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Facts vs. Fiction

The Truth About New York State Yeshiva Education

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For questions or comments about this booklet, please contact Avrohom Weinstock at KnowUs@agudah.org.



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Introduction

Negativity and sensationalism sell papers.

But leaders and truth-seekers need facts. Not selective interviews. Not cherry-picked “data.” Not innuendo.

Here, Agudath Israel of America addresses misconceptions about Hasidic and Orthodox Jewish education perpetuated by the New York Times beginning with its nearly 8,000 word, September 11th, front-page hit-piece. And, unlike the New York Times, this document provides sources.

Make no mistake, the inaccuracies and innuendo spouted are not harmless – they defame hundreds of thousands of parents and scandalize how they choose to raise their children.

Agudath Israel undertook this task not simply to address the offensive front-page article. But, as has been said, a lie, oft-repeated, becomes true. Agudath Israel cannot allow these inaccuracies to “become true.” Thus, this document also debunks related misconceptions that have been repeated surrounding this issue. In fact, in a sense, by spouting so many inaccuracies, an opportunity was presented to describe a side and beauty of New York’s yeshivas that has not been appreciated.

The purpose of this paper is neither to assert that every yeshiva is flawless nor every Orthodox Jew faultless. But the allegations and tone in this campaign of articles are so biased; the anecdotes so selectively sourced; and the data so faulty, that this undertaking was deemed essential.

This will be a work in progress, with chapters being added as additional research comes in and as the need arises.

For many in the Hasidic, broader Jewish, and nation wide private school communities, overreach by government into their private schools strikes at the core of their existence. Hundreds of thousands of formal opposing comments – shattering records – submitted during both Regulation comment periods, made that clear. So many parents were frightened that the institutions they value and trust to educate their children would be imperiled.

Let’s find out why.

How many articles has the New York Times published on Orthodox Jews and Hasidim since September? How many were positive?

Orthodox Jews and the NYT's Obsession with Them, A Summary.

The NYT has spent inordinate resources and placed an emphasis on vilifying the Jewish and Hasidic community in recent months.

A summary:

Date	Article Title	Synopsis	Author(s)
Sep. 11, 2022	<i>In Hasidic Enclaves, Failing Private Schools Flush With Public Money¹</i>	The subject of this paper. Front page, 8,000-word hit piece.	Eliza Shapiro & Brian M. Rosenthal
Sep. 11, 2022	<i>NY State Vote Could Raise Pressure on Officials Over Hasidic Schools²</i>	Direct outreach to former Hasidic students, parents, and teachers (few of whom still in the community read the NYT) to weigh in on the NYT's findings. Specifically, that Hasidic schools deny a basic education by teaching religion, received a billion dollars, and regularly utilize abusive corporal punishment. ³	Eliza Shapiro & Brian M. Rosenthal

¹ <https://www.nytimes.com/2022/09/11/nyregion/hasidic-yeshivas-schools-new-york.html>

² <https://www.nytimes.com/2022/09/11/nyregion/hasidic-schools-nyc-officials.html?searchResultPosition=27>

³ Incidentally, the office of Agudath Israel has received emails from hundreds of parents, furious about the articles being written against them. Many completed the above survey denying the claims of the NYT, but were

Date	Article Title	Synopsis	Author(s)
Sep. 12, 2022	<i>New York Lawmakers Call for More Oversight of Hasidic Schools</i> ⁴	The NYT reached out to politicians to solicit their reactions to the NYT's accusations. After describing that some politicians solicited disagreed with the NYT's assertions, the article describes the vast political power of Hasidic Jews.	Eliza Shapiro, Brian M. Rosenthal & Nicholas Fandos
Sep. 13, 2022	<i>New State Rules Offer Road Map for Regulating Private Hasidic Schools</i> ⁵	Regulations enacted. Rehash of the same, one-sided accusations.	Eliza Shapiro & Brian M. Rosenthal
Sep. 15, 2022	<i>A Closer Look at The Times's Report on Hasidic Schools</i> ⁶	A Q&A with Brian M. Rosenthal to expand upon the failures of Hasidic schools, how Hasidim control NY politics, and a regurgitation of the initial article.	James Barron interviewing Brian M. Rosenthal
Sep. 16, 2022	<i>It Is Long Past Time to Help New York's Hasidic Children</i> ⁷	Rehash of the September 11 th article. The NYT then adds its recommendation that private schools should be subjected to more draconian oversight than the new Regulations require, including that private school children should be cut off from food and other services, and that the state should specify the precise minutes required in each subject.	The Editorial Board
Sep. 23, 2022	<i>Zeldin Sees a Path to Becoming Governor. It Runs Through Brooklyn.</i> ⁸	A description of how the gubernatorial candidates are competing and pandering for the Hasidic vote, and how Mr. Zeldin is "capitalizing on the yeshiva issue."	Nicholas Fandos & Eliza Shapiro

never responded to by the NYT.

⁴ <https://www.nytimes.com/2022/09/12/nyregion/lawmakers-hasidic-schools.html?searchResultPosition=24>

⁵ <https://www.nytimes.com/2022/09/13/nyregion/new-york-rules-yeshivas.html?searchResultPosition=23>

⁶ <https://www.nytimes.com/2022/09/15/nyregion/a-closer-look-at-the-times-report-on-hasidic-schools.html?searchResultPosition=19>

⁷ <https://www.nytimes.com/2022/09/16/opinion/hasidic-schools-new-york.html?searchResultPosition=18>

⁸ <https://www.nytimes.com/2022/09/23/nyregion/zeldin-governor-hasidic-jews.html?searchResultPosition=13>

Date	Article Title	Synopsis	Author(s)
Oct. 12, 2022	<i>Hasidic School Is Breaking State Education Law, N.Y. Official Rules⁹</i>	A discussion of how State Education Commissioner Betty Rosa overruled the NYC Department of Education and found a Hasidic school not substantially equivalent. ¹⁰ Then the article rehashes the vitriol of prior articles.	Eliza Shapiro & Brian M. Rosenthal
Oct. 24, 2022	<i>Hasidic School to Pay \$8 Million After Admitting to Widespread Fraud¹¹</i>	The gleeful retelling of a yeshiva that was required to pay a significant fine. The article then rehashes the prior accusations, and specifically the large sums of money Hasidic yeshivas receive.	Eliza Shapiro & Brian M. Rosenthal
Oct. 30, 2022	<i>How the Hasidic Jewish Community Became a Political Force in New York¹²</i>	A detailed discussion of the “outsize political clout” of Hasidic Jews, and their “bloc vote.” The New York political system cowers in fear from the powerful Hasidics. Moreover, the American right to vote, while lauded when exercised by other Americans, is somehow scandalous when exercised by Jews. ¹³	Emma G. Fitzsimmons. Bianca Pallaro, Brian Rosenthal & Eliza Shapiro contributed.

⁹ <https://www.nytimes.com/2022/10/12/nyregion/hasidic-yeshiva-mesivta-arugath-habosem-secular-education.html>

¹⁰ This Commissioner’s ruling finding the school as not substantially equivalent is notable from a legal perspective. Specifically:

- Employing an aggressive legal loophole, the Commissioner overruled the Local School Authority (in this case the NYC DOE), which the statute empowers to be the arbiter of a finding of equivalency.
- In addition to this legal novelty, from an educational perspective, the NYC DOE visited the school several times (SED did not) and produced a voluminous report of positive findings. The Commissioner writes that she afforded the findings of the independent DOE “minimal weight” because it contradicted or did not sufficiently address “the sworn allegations submitted by Ms. Weber.”
- Beatrice Weber initiated the lawsuit against the yeshiva as part of divorce and custody proceedings. Ms. Weber is the incoming Director of Yaffed.
- The Commissioner writes that she flunked the school, in part, because it showed “little evidence” of conformity with instruction in patriotism, citizenship, the New York Constitution, New York State history, highway safety and traffic regulation, and instruction around alcohol, drugs, tobacco abuse, and the detection of certain sexual cancers. This was a review of a lower elementary school.

¹¹ <https://www.nytimes.com/2022/10/24/nyregion/hasidic-yeshiva-fraud-central-united-talmudical-academy.html>

¹² <https://www.nytimes.com/2022/10/30/nyregion/hasidic-political-power-new-york.html?searchResultPosition=4>

¹³ Particularly disturbing was the quote regarding the Crown Heights riots, murders, and looting of Jewish stores in 1991, justified by “longstanding grudges over what they saw as the Hasidic Community receiving preferential treatment from the police and city.”

Date	Article Title	Synopsis	Author(s)
Nov. 5, 2022	<i>Questions for Kathy Hochul and Lee Zeldin</i> ¹⁴	Rehash of the Sep. 11 th initial accusations. Among the primary issues facing the candidates and New Yorkers, the article closes by stating that “Mr. Zeldin has vowed to protect the schools from governmental interference as he seeks to win over Orthodox Jewish groups.”	Troy Closson
Dec. 12, 2022	<i>Why Some Hasidic Children Can’t Leave Failing Schools</i> ¹⁵	A detailed account by Ms. Beatrice Weber and other Yaffed members of how, in a divorce proceeding, they were not always allowed to remove children from their “failing” yeshiva. That all the interviewees have left their communities and that many are Yaffed members, is not disclosed. That Ms. Weber is the Executive Director of Yaffed is disclosed near the end of the article. The article includes significant misrepresentations of Jewish law and Jewish courts.	Eliza Shapiro
Dec. 29, 2022	<i>How Hasidic Schools Reaped a Windfall of Special Education Funding</i> ¹⁶	Fundamentally misunderstanding how special education services are provided in New York City, the Times alleges that since Mayor de Blasio ordered the city to “start fast-tracking approvals” in 2014, the volume of services provided for children with special needs in general education yeshivas has significantly increased. In fact, as described in the very article the Times links to, the change which occurred in 2014 pertained to tuition reimbursement to parents for children with more severe special education needs attending exclusively special education schools. The article then proceeds with innuendos asserting that Jewish children with special needs to not deserve to receive services.	Brian M. Rosenthal

14 <https://www.nytimes.com/2022/11/05/nyregion/hochul-zeldin-governor-issues.html>

15 <https://www.nytimes.com/2022/12/12/nyregion/hasidic-yeshivas-schools-divorce.html?searchResultPosition=24>

16 <https://www.nytimes.com/2022/12/29/nyregion/hasidic-orthodox-jewish-special-education.html?searchResultPosition=19>

Date	Article Title	Synopsis	Author(s)
Jan. 1, 2023	<i>Education Firms Charged With Stealing \$2.8 Million in Child Care Funds</i>¹⁷	A man was charged with billing the government for after-school childcare and then not providing the services to numerous low-income families. Since some of the victims of his crimes were Orthodox Jews, the Times victim-blames the low-income Jewish families who were defrauded, and somehow connects this incident to previous NYT articles describing substandard secular education.	Brian M. Rosenthal, Eliza Shapiro, and Benjamin Weiser
Feb. 2, 2023	<i>Education Firms That Serve Hasidic Schools are Barred Amid Fraud Inquiry</i>¹⁸	Continuing its coverage from the prior article, the Times describes how the individual arrested for fraud had several of his companies - some of which service Orthodox Jewish schools - barred from providing services. The Times omits the fact that yeshivas comprise approximately half of private school children in NYC, and, more fundamentally, that any yeshiva engaged in wrongdoing in connection with this individual.	Eliza Shapiro, Brian M. Rosenthal
Feb. 3, 2023	<i>New York Blocks Payments to 20 Firms that Serve Hasidic Schools</i>¹⁹	Rehash or prior two articles, and somehow connecting this crime with the Times' allegations of insufficient secular education in certain Orthodox Jewish yeshivas.	James Barron

¹⁷ <https://www.nytimes.com/2023/01/11/nyregion/martin-handler-child-care-fraud.html?searchResultPosition=15>

¹⁸ <https://www.nytimes.com/2023/02/02/nyregion/nyc-special-education-fraud.html?searchResultPosition=10>

¹⁹ <https://www.nytimes.com/2023/02/03/nyregion/new-york-hasidic-schools-payments.html?searchResultPosition=9>

Date	Article Title	Synopsis	Author(s)
Feb. 20, 2023	<i>How Public Money Goes to Support a Hasidic Village's Private Schools</i> ²⁰	<p>The Times goes scandal-hunting again, this time in Kiryas Joel. The prime concerns are about conflict-of-interest policies.</p> <p>Moreover, while, as the Times concedes, “Federal regulators have given the Kiryas Joel school system high marks over the years for the services it offers its students... the money it sends to the U.T.A. and its affiliates has done more than just secure classroom space for the public-school programs. It has supported private schools that provide thousands of boys with only cursory instruction in English and math, and barely any science or social studies, setting some back for life.”</p> <p>In other words, doing businesses with Orthodox Jews, the Times says, due to their wrongheaded approach to education, is inherently scandalous.</p>	Jay Root
March 2, 2023	<i>Ban Corporal Punishment in Private Schools, New York Lawmakers Say</i> ²¹	<p>The Times erroneously reports that bills in Albany to ban corporal punishment were proposed due to abuses common in yeshivas.</p> <p>In fact, many times more abuses were substantiated in other school settings. The bill’s sponsor and co-sponsor then publicly called the Times out for misrepresenting their intent in proposing the bill. As Senator Salazar Tweeted at the Times²², “To be clear: We introduced this bill because the law should *explicitly* ban corporal punishment in all schools. The use of physical or violent methods to ostensibly discipline students has happened in many schools. I haven’t seen any evidence of it being a pattern in yeshivas.”</p>	Brian M. Rosenthal, Eliza Shapiro

20 <https://www.nytimes.com/2023/02/20/nyregion/kiryas-joel-hasidic-school-district.html?searchResultPosition=4>

21 <https://www.nytimes.com/2023/03/02/nyregion/hasidic-schools-ny-lawmakers-corporal-punishment.html#:~:text=While%20the%20law%20clearly%20says,punishment%20could%20be%20considered%20abuse.>

22 https://mobile.twitter.com/juliacarmel_/status/1631310172357312518?s=48&t=MubWr8au7nLNmtFWD9HYnQ

Put another way, the Times has engaged in nothing short of an obsessive crusade against the Orthodox and Hasidic community.²³



Eliza Shapiro

Eliza Shapiro is a reporter covering New York City education. She joined The New York Times in 2018. She grew up in New York and attended public and private schools in Manhattan and Brooklyn.

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Dec. 12, 2022

Why Some Hasidic Children Can't Leave Failing Schools

Parents who try to withdraw their children from yeshivas over a lack of secular education often cannot do so, hampered by social pressure and a rabbinical court system.

By ELIZA SHAPIRO and JONAH MARKOWITZ



Oct. 30, 2022

How the Hasidic Jewish Community Became a Political Force in New York

Elected officials rarely embrace positions that could antagonize Hasidic leaders, who typically encourage their community to vote as a unified bloc.

By EMMA G. FITZSIMMONS

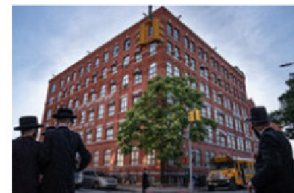


Oct. 24, 2022

Hasidic School to Pay \$8 Million After Admitting to Widespread Fraud

The Central United Talmudical Academy, which operates the largest all-boys yeshiva in New York State, acknowledged illegally diverting money from federal food aid and other programs.

By BRIAN M. ROSENTHAL and ELIZA SHAPIRO



Oct. 12, 2022

Hasidic School Is Breaking State Education Law, N.Y. Official Rules

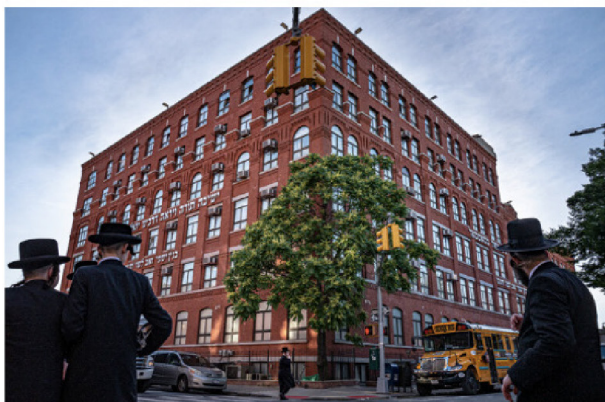
Issued amid a lawsuit brought by a parent who left the community, the determination could signal challenges for scores of Hasidic Jewish schools.



²³ <https://www.nytimes.com/by/eliza-shapiro>

In fact, the New York Times has launched an entire section dedicated to negative coverage of Hasidic Yeshivas in New York.²⁴ We have seen no such focus on the public school system.

Hasidic Yeshivas in New York



JONAH MARKOWITZ FOR THE NEW YORK TIMES

Hasidic School to Pay \$8 Million After Admitting to Widespread Fraud

The Central United Talmudical Academy, which operates the largest all-boys yeshiva in New York State, acknowledged illegally diverting money from federal food aid and other programs.

October 24, 2022 • By BRIAN M. ROSENTHAL and ELIZA SHAPIRO



JONAH MARKOWITZ FOR THE NEW YORK TIMES

In Hasidic Enclaves, Failing Private Schools Flush With Public Money

New York's Hasidic Jewish religious schools have benefited from \$1 billion in government funding in the last four years but are unaccountable to outside oversight.

September 12, 2022 • By ELIZA SHAPIRO, BRIAN M. ROSENTHAL and JONAH MARKOWITZ

Hasidic School Is Breaking State Education Law, N.Y. Official Rules

Issued amid a lawsuit brought by a parent who left the community, the determination could signal challenges for scores of Hasidic Jewish schools.

October 12, 2022 • By ELIZA SHAPIRO and BRIAN M. ROSENTHAL



Share Your Stories About Education in Orthodox and Hasidic Schools

The New York Times is researching yeshivas in New York City, Kiryas Joel and Rockland County. Tell us about your experiences.

November 10, 2022



New State Rules Offer Road Map for Regulating Private Hasidic Schools



חסידים מוסדות נכבדו ממשל קרין
עדיוקעשאן, אבער באקומען א שפע פון
רעגולירונגס בעלשער



New York Lawmakers Call for More Oversight of Hasidic Schools



N.Y. State Vote Could Raise Pressure on Officials Over Hasidic Schools



Why New York's Inquiry Into Yeshivas Mysteriously Stalled

To be clear, Agudath Israel of America is supportive of public schools. The point here is not to say the New York Times should be criticizing them.

But when a paper has little negativity in any of its coverage of public schools, and engages in targeted, continuous, condemnatory pieces about one group of religious schools and religious practices, there is something wrong with the picture.

²⁴ <https://www.nytimes.com/spotlight/hasidic-yeshivas>

Over more than a year, the reporters interviewed more than 275 people... for a rare look inside a group of schools that is keeping some 50,000 boys from learning...

- New York Times

This Is Research?

In fact, the New York Times reporters sent a synopsis of their story to Agudath Israel and certain school leaders before the story printed,²⁵ in which they admitted that they stepped foot into only a single Hasidic school in their extended “research” on Hasidic schools. Moreover, they wrote, of the 275 people interviewed, “dozens... are still in the Hasidic community.”²⁶ In other words, while the New York Times is opaque about precisely how many “dozens” were interviewed, clearly the Times only spoke to a small percentage of the community it so heavily censured. These key points regarding their sources were omitted from the published article after being heavily criticized in prebuttals penned by Assemblyman Simcha Eichenstein²⁷ and others.²⁸

In addition, the negative, sensational

anecdotes so salaciously retold by the New York Times often emerged from members of Yaffed,²⁹ an organization founded to fundamentally upend Orthodox and Hasidic education.

Yaffed, it should be known, openly awards college scholarships. Unlike most scholarships or fellowships, however, Yaffed’s scholarships do not prioritize the recognition of academic achievement or financial need. Rather, their criteria for awarding funds are if the individual is sufficiently compelling in his or her promise to evangelize Yaffed’s mission. According to Yaffed’s website, college scholarship awardees must:

- Host two on-campus events to raise awareness of our issue amongst peers.
- Engage in advocacy with elected officials by writing letters and conducting meetings.

²⁵ Reproduced in Addendum I.

²⁶ *Id.*

²⁷ <https://www.nysun.com/article/all-the-news-about-yeshivas-that-the-times-deems-unfit-to-print>

²⁸ <https://www.tabletmag.com/sections/news/articles/plot-against-hasidic-education-new-york-times>

²⁹ Specifically, a quick Google search of individuals the NYT quote reveals:

Shlomo Noskow - who, in the words of the NYT, “struggled to earn a medical degree,” is a Yaffed board member: <https://yaffed.org/who-we-are/>

Chaim Fishman – member of Yaffed Advisory Council: <https://yaffed.org/who-we-are/>

Chaim Wigder – Yaffed Changemaker Awardee: <https://yaffed.org/category/haredi-changemaker-award/>

- Attend at least one press conference or rally.
- Sign up a minimum of 15 peers to Yaffed's newsletter.
- Provide evidence of an effective social media presence.
- Amplify Yaffed's message and promote updates and events on social media channels.³⁰

In short, *Yaffed literally pays people to spread negative messages about yeshiva education and engage elected officials*. Many quoted in the New York Times are known Yaffed operatives. This is not to say that those individuals are lying about their experiences. But legislators should be aware that when they

receive impassioned letters or appeals against yeshivas from Yaffed members – who may or may not disclose their affiliation – those individuals may be paid to do so. And the better job they do, the more likely they are to receive repeat scholarships.

This is all publicly available information that a team of New York Times investigative journalists knew, or should have known.

Finally, many individuals have gone public in stating that they attempted to tell their firsthand, *positive* stories about their personal or observed Hasidic yeshiva experiences to the New York Times. The New York Times refused to listen – let alone print – such stories.

Bottom line: *The New York Times story is constructed, in part, upon a deck of anecdotes; the New York Times visited one yeshiva in preparation for a virulent, front page, 8,000-word story about yeshivas; just “dozens” of the hundreds interviewed were actually from the community; a simple Google search reveals that the anecdotes were often from known Yaffed operatives or others who left the community; and the New York Times rebuffed competing narratives. These facts undermine much of what follows in the piece.*

"[T]he Hasidic system fails most starkly in its more than 100 schools for boys. Spread across Brooklyn and the lower Hudson Valley, the schools turn out thousands of students each year who are unprepared to navigate the outside world, helping to push poverty rates in Hasidic neighborhoods to some of the highest in New York."

- New York Times

Poverty Rates Are an Obviously Flawed Metric

Assuming, for argument's sake, that Academic success necessarily results in with high income, **employing federal poverty rates as a metric to measure income is deeply flawed.**

Here's why:

A. The federal poverty guidelines are based on family size.

Below are the 2022 federal poverty guidelines.³¹

2022 Federal Poverty Guidelines				
Household Size	100%	130%	185%	400%
1	\$13,590	\$17,667	\$25,142	\$54,360
2	\$18,310	\$23,803	\$33,874	\$73,240
3	\$23,030	\$29,939	\$42,606	\$92,120
4	\$27,750	\$36,075	\$51,338	\$111,000
5	\$32,470	\$42,211	\$60,070	\$129,880
6	\$37,190	\$48,347	\$68,802	\$148,760
7	\$41,910	\$54,483	\$77,534	\$167,640
8	\$46,630	\$60,619	\$86,266	\$186,520
9	\$51,350	\$66,755	\$94,998	\$205,400
10	\$56,070	\$72,891	\$103,730	\$224,280

The reporters at the New York Times were particularly bothered that, "schools got roughly \$100 million through antipoverty programs to provide free breakfast, lunch, dinner and snacks every school day to virtually all Hasidic boys..."³²

Eligibility for free lunch, to use the New York Times' example, is for families below 130% of the poverty guidelines. Eligibility for reduced lunch is below 185% of poverty guidelines.³³

Hasidic communities tend to have larger families – seven or more children in a family is common. Let's imagine a typical Hasidic family – we'll call them the Kleins. The Kleins are happily married and blessed with seven children. Mr. and Mrs. Klein jointly earn \$94,000.³⁴ As a family of nine, per the table above, the Kleins are below the eligibility threshold for purposes of reduced lunch.

To be clear, it may indeed be difficult for the Kleins to make ends meet supporting a large family on \$94,000, but \$94,000 is 33% higher than the median U.S income of \$70,784.³⁵ Thus, poverty guidelines are an inaccurate indicator of educational attainment or actual income.

³¹ <https://aspe.hhs.gov/sites/default/files/documents/4b515876c4674466423975826ac57583/Guidelines-2022.pdf>

³² This does not even address the offensive of suggestion that the "schools got money" when this food is for children to receive a small, nutritious meal (and funding is actually quite low per child) and follows the child.

³³ <https://otda.ny.gov/workingfamilies/schoollunch.asp>

³⁴ See below. This number approximates the median Hasidic income found by the Nishma Research study.

³⁵ <https://www.census.gov/library/publications/2022/demo/p60-276.html>

Put more starkly, certain antipoverty programs are available to individuals earning below 400% of the federal poverty guidelines. Returning to our hypothetical Klein family, they would be eligible for these programs even if their income increased to \$205,400! Would anyone argue that, objectively, the Kleins, earning \$205,400, are poorly performing breadwinners?!

Hence the dishonesty of employing federal poverty guidelines – used to determine eligibility for government programs like Medicaid and free school lunch – to measure absolute income, especially for a population with known, large family sizes.

This factor is even more dramatic when accounting for the fact that:

B. Federal poverty guidelines are based on household income, NOT the income of the primary breadwinner.

This is a major flaw.

Mrs. Klein worked full-time as a speech therapist after her first three children were born. When her fourth child was born, she shifted to part-time work. After her sixth child was born, Mrs. Klein decided her priority was to care for her family and ceased her employment as a speech therapist.

This is typical.

Thus, the \$94,000 household income that the Kleins earn is even more impressive considering that for the Kleins, like many large families, both spouses may not be working full-time. In other words, if we are looking to evaluate the earning capacity of male Orthodox Jewish yeshiva graduates, we should do that, instead of utilizing family income, which includes a spouse who may or may not be working for other reasons.

C. Poverty rates do not account for the age of the earner.

As Yossi Gestetner described in the Wall Street Journal,³⁶ within Kiryas Joel's Hasidic community:

Younger workers earn less on average than older ones, and Kiryas Joel is a youthful community. Eighty-two percent of adults in Kiryas Joel are under 45, compared with 47% of adults in New York state. According to 2017 census data, the median income for 25-year-old married male household heads in New York state was \$37,200 – less than half the \$78,700 median income for comparable 45-year-olds.

While the poverty rate for 18- to 34-year-old Kiryas Joel residents is 52%, it's only 16.8% for those 60 and over – lower than the 18% rate for New York City.

Bottom line: *The New York Times uses federal poverty rates to “prove” that Hasidic families are poor, thus justifying the need for their educational system and way of life to be forcibly overhauled (on pain of jail) by the state. This metric is sloppy at best, and intentionally misleading at worst, as a measure of actual income. This is because A) federal poverty guidelines are based on family size, when Hasidic families are known to be far larger than average; B) poverty guidelines are based on family income, not individual income; C) poverty guidelines do not adjust for the age of the earner, and Hasidic families are younger.*

³⁶ <https://www.wsj.com/articles/dubious-stats-fuel-attack-on-jewish-schools-11576107404>

Yeshiva-Educated Jews Do Well by Any Objective Financial Measure

So, is there any other data available on the income of Hasidic Jews that is more accurate?

Here is a snapshot from the 2021 Pew Research Study:³⁷

Half of Jews live in households earning at least \$100,000 % of U.S. Jews with a family income of..						
	Less than \$30,000	\$30K - \$49,999	\$50K - \$99,999	\$100K - \$149,999	\$150K - \$199,999	\$200,000 or more
Orthodox	12	14	35	17	6	16
Conservative	8	11	28	15	11	27
Reform	6	10	22	19	16	26
U.S. adults	26	22	32	11	4	4
Protestant	29	21	32	11	4	3
Catholic	21	22	35	12	5	4
Unaffiliated	27	24	29	10	4	5

of the general public, and 26% of Orthodox Jews earned less than \$50,000, compared to 48% of the general public.³⁸

To drill down to the Hasidic sector of Orthodoxy, see the below from the December 2021 Nishma Research study:^{39 40}

While these metrics do not control if both spouses are employed or for age (flaws discussed in the previous section), this study measured total income, not income related to family size (addressing the first flaw).

As is clear, 22% of Orthodox Jewish households earned more than \$150,000, compared to 8%

	M.O.	Hasidic	Yeshivish
Median Household Income	\$188K	\$102K	\$164K

While Hasidic families did not earn quite as much as their Modern Orthodox and Yeshivish Orthodox Jewish brethren, Hasidic families

³⁷ <https://www.pewresearch.org/religion/2021/05/11/economics-and-well-being-among-u-s-jews/>

³⁸ See also Jason Bedrick and Jay P. Greene's excellent treatment of the NYT article here: <https://www.washingtonexaminer.com/opinion/the-new-york-times-batched-attack-on-jewish-schools>

³⁹ <https://nishmaresearch.com/assets/pdf/REPORT%20-%20Nishma%20Research%20-%20The%20Finances%20of%20Orthodox%20Jewish%20Life%20Dec%202021.pdf>

⁴⁰ While the Nishma Research study did not control for geography, in the United States, Hasidic Jews overwhelmingly live in New York.

earned a **median household income of \$102,000**, far better than the median U.S. income of \$70,784.

In a paper submitted in conjunction with Yaffed's (unsuccessful) lawsuit, *Yaffed v. Andrew Cuomo, Betty Rosa et al*, Dr. Awi Federgruen was asked to mathematically analyze several of Yaffed's claims surrounding income and funding, now being regurgitated by the New York Times.

For reference, Dr. Federgruen is the Charles E. Exley Professor and Chair of the Decision Risk and Operation Division of the Graduate School of Business of Columbia University.⁴¹

His conclusions, from his sworn, legal Declaration were:

However, even to the extent that income distributions are used as a proxy for the adequacy of educational systems, it is absolute income levels that should be considered, rather than how these levels compare with federally specified poverty levels. The latter increase rapidly with household sizes, and, as stated repeatedly in the YAFFED report, itself, household sizes are very large in the Hasidic community...

The U.S. Census Bureau reports on income distributions in the 59 Community Board Districts in New York City. Its source is the 2010-2014 American Community Survey 5-Year Estimates>People>Income & Earnings: income/Earnings.

What this data demonstrates is that the Williamsburg and Borough Park Districts – where the vast majority of New York City Hasidic families reside – rank in the top or second quartile of the 59 districts, respectively. More specifically, Williamsburg has the 14th largest percentage of males with an annual income in excess of \$100,000, and Borough Park has the 27th largest in this ranking.

The two districts assume very similar positions when ranking the districts by the percentage of males with an annual income in excess of \$50,000. The percentages are computed with respect to the total population of males, 18 years or older.

In conclusion: the income distributions in Williamsburg and Borough Park, far from signaling inadequate educational preparation, compare favorably with the majority of New York City Community Board Districts.

Bottom line: *Multiple, reputable data sources demonstrate that Hasidic Jews are stalwart breadwinners with higher incomes than the general population by any evenhanded measure other than the wildly misleading metric the NYT selected.*⁴²

⁴¹ <https://www8.gsb.columbia.edu/cbs-directory/detail/af7#biography>

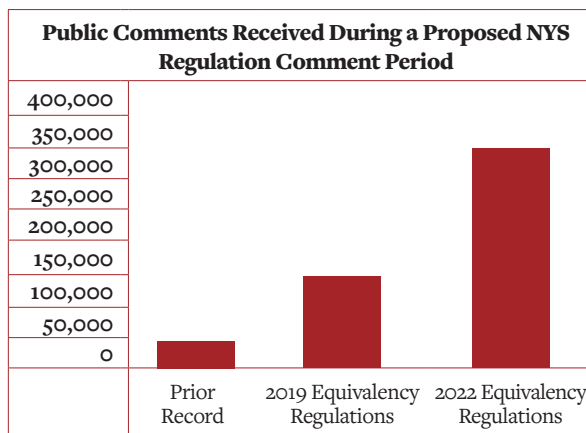
⁴² Notably, the above sources still likely understate the case for Orthodox and Hasidic economic attainments. This is because the above sources use absolute income, which controls for the first significant error - that poverty guidelines are based on family size. They do not, however, control for the second error (that in larger families, one spouse may be employed for fewer, if any, hours); nor the third error (that Hasidic heads of households skew younger than the general population and are at more junior stages of their careers).

For many, the consequences of attending Hasidic schools can ripple across time... Some leave the community and end up addicted to drugs or alcohol. Others remain and feel they have little choice but to send their children to the schools.

- New York Times

It Is Misinformed and Insulting to Call Yeshiva Families Victims; They Sacrifice Tremendously to Live This Way

Here are the facts.



Hundreds of thousands of parents in New York send their children to private schools. Tuitions range from \$5,000 to \$25,000 per child. Especially in large families, this amounts to a **significant familial expense**, often requiring parents to work two or three jobs and forgo luxuries (and perhaps necessities) to afford private school tuition. Parents

endure this **tremendous hardship** because they are passionate about ensuring their children receive an excellent education, at whatever price.

In fact, when the New York State Education Department (NYSED) first proposed new substantial equivalency regulations for the state to monitor and control private schools, NYSED received a torrent of 140,000 comments during the mandated public comment period. This unexpected (by NYSED) response in 2019 required NYSED to redraft the regulations. When NYSED proposed another iteration of substantial equivalency regulations in 2022, it received over 350,000 comments.

As NYSED has stated in writing:

“The vast majority of comments expressed philosophical opposition to State regulation of non-public schools.”⁴³

⁴³ Proposed Addition of Part 130 of the Regulations of the Commissioner of Education Relating to Substantially

The sheer volume and ferocity of opposing comments received when the NYSED attempted to control private schools shattered records for any proposed New York regulation,

on any topic. These sins of omission by the New York Times, not discussing the critical elements that shaped the current status of this issue today, are telling.

Bottom line: *Yeshiva-educated parents generally send their children to yeshiva because their deepest desire is to offer a similar experience to their own children that they were privileged to receive. Parents sacrifice mightily to send their children to yeshiva, like all private school parents. The visceral response - twice now - when the state attempted to interfere with that parental right demonstrates how intentional and passionate that choice is.*

Equivalent Instruction for Nonpublic School Students, p.10. <https://www.regents.nysed.gov/common/regents/files/322p12d1.pdf>

During religious study, teachers in many of the boys' schools have regularly smacked, slapped and kicked their students.

Over the past five years, the New York City Police Department has investigated more than a dozen claims of child abuse at the schools, records show.

- New York Times

12 vs. 16,671

The next sensational claim the NYT makes is that child abuse is a “regular” feature of Hasidic education. What is this accusation based on? More anecdotes from the same few individuals who left the community?

The only concrete data set the NYT can point to is that “[O]ver the past five years, the New York City Police Department has investigated more than a dozen claims of child abuse at the schools, records show.”

More than a dozen claims, in unaffiliated schools serving 50,000 students each year, over five years.

While even one incident of abuse is one too many, in the spirit of “substantial equivalence,” let’s examine how this figure compares to reports of abuse in New York City public schools over the same period.

According to a recent Times Union investigation:⁴⁴

“From January 2016 through June 2021,

the New York City Department of Education’s Office of Special Investigations received **16,671** complaints alleging corporal punishment, state records show. These complaints only involved New York City Public Schools...” (Emphasis added.)

Following this report, state lawmakers said they had no idea that this volume of corporal punishment incidents are regularly reported.⁴⁵

Or, as Assemblyman Eichenstein put it:⁴⁶

Corporal punishment is not a feature of Hasidic schools. And if it happened as an aberration, decency demands not painting an entire school system with it. In the past few months alone, a Brooklyn public school teacher was convicted⁴⁷ of targeting children to have them send sexually explicit videos of themselves.

In the same period, a Queens gym teacher was arrested after being videotaped beating a 14-year-old;⁴⁸ and a Long Island public

⁴⁴ <https://www.timesunion.com/news/article/corporal-punishment-new-york-schools-17459890.php>

⁴⁵ <https://www.timesunion.com/news/article/Shocking-corporal-punishment-cases-in-public-17470131.php>

⁴⁶ <https://www.nysun.com/article/all-the-news-about-yeshivas-that-the-times-deems-unfit-to-print>

⁴⁷ <https://www.justice.gov/usao-edny/pr/brooklyn-high-school-teacher-convicted-production-child-pornography>

⁴⁸ <https://nypost.com/2022/02/18/video-shows-nyc-teacher-attacking-teen/>

school teacher was charged with raping a 15-year-old he was tutoring in his home.⁴⁹ Sensational stories can always be found by someone digging for dirt.

Never, though, would I ever say that it is common for public school teachers to be child pornography watchers, pedophiles, physically abusive or rapists. Why does the Times refuse to extend the same basic integrity to Hasidic schools?

When the Times Union report regarding the prevalence of teacher-on-child violence emerged, the reporter attempted to link it back to his own article, posting “our reporting found it still happens in **many** Hasidic Jewish schools. And, according to this new investigation, it **also happens** in **some** NY public schools:” (emphasis added)



Brian M. Rosenthal
@brianmrosenthal

We like to think corporal punishment is a thing of the past. But our reporting found it still happens in many Hasidic Jewish schools. And, according to this new @emiliemunson/@therealjsolo/@mrochele investigation, it also happens in some NY public schools:



timesunion.com
Hundreds of corporal punishment cases in NY public schools
Legislators are currently discussing possible changes to the state's corporal punishment...

3:04 PM · Sep 25, 2022 · Twitter for iPhone

Suffice it to say, many slammed the uneven analogy, which directly contradicted the cited article.

Bottom line: Once we tease out the selectively sourced anecdotes - however lengthy and passionately recounted by the New York Times - the sole metric marshaled supporting the wild accusation of “regular” abuse in yeshivas is the report of “more than a dozen claims of child abuse.”

While even a single case of physical abuse or corporal punishment demands serious attention, these figures lack context, and are astonishingly low compared to the 16,671 complaints in New York City public schools in the same five-year period. Even accounting for the student population size of New York City public schools as compared to yeshivas, these numbers only speak to the positive environment found in yeshiva classrooms.

Tropes that Boggle the Mind

Hasidic Jews are simultaneously politically savvy, and backwards. They are powerful, but beaten in the streets. They are wealthy, but uneducated and unable to survive in modern society.

D Does this even require elaboration? Which antisemitic trope are we pushing here? Make up your mind!

The Regulations' Demands on Private Schools Are Educationally Bizarre

Math, English and the basics!
This is demonstrably wrong.

Here are some items that the Regulations require. For clarity, legal sections referenced are listed, with citations. (Emphases added.)

- “Whether instruction is given only by a ‘**competent**’ teacher or teachers”⁵¹
- “Instruction in patriotism and citizenship”⁵²
- “Instruction in the history, meaning, significance and effect of the provisions of the...Constitution of the State of New York **and the amendments thereto**,”⁵³
- “Instruction in New York State history and civics”⁵⁴
- “Instruction in physical education and kindred subjects pursuant to Education

“The New York State Board of Regents on Tuesday voted for the first time to require private schools to prove they are teaching English, math and other basic subjects or risk losing government funding.”⁴⁸

- New York Times

Law §803(4)”

- “Such courses shall be designed to aid in the well-rounded education of pupils and in the development of character, citizenship, physical fitness, health and the **worthy use of leisure**.”⁵⁵
- There shall be experiences of sufficient variety in each of the following:
 - basic and creative movement;
 - rhythm and dance;
 - games;
 - perceptual-motor skills;
 - individual and team sports;
 - gymnastics;
 - aquatics, where possible;
 - lifetime sports activities;
 - outdoor living skills; and
 - other appropriate activities which promote the development of boys and girls.⁵⁶

⁵⁰ <https://www.nytimes.com/2022/09/13/nyregion/new-york-rules-yeshivas.html?searchResultPosition=23>

⁵¹ 8 NYCRR Part 130.9(a). See also Section 130.1 which attempts to define “competent” for purposes of substantial equivalency as one who can “demonstrate the appropriate knowledge, skill, and dispositions to provide substantially equivalent instruction.” This is a tautology.

What follows in the text are citations from pertinent sections of the enacted “Regulations,” as they are colloquially referred to. More formally, they are termed as above, or as the “Regulations of the Commissioner of Education Relating to Substantially Equivalent Instruction for Nonpublic School Students.”

⁵² 8 NYCRR Part 130.9(f)(1)

⁵³ 8 NYCRR Part 130.9(f)(2). How many New York lawyers can enumerate the “history, meaning, significance and effect of the provisions of the... Constitution of the State of New York and the amendments thereto”? It is neither part of the standard law school curriculum, nor a part of the New York Bar Exam.

⁵⁴ 8 NYCRR Part 130.9(f)(3)

⁵⁵ Education Law §803(4)

⁵⁶ 8 NYCRR 135.4(c)(1)

- “Instruction regarding alcohol, tobacco, and other drugs shall be included in the health education provided for all elementary school pupils.”⁵⁷
- “Instruction regarding methods of prevention and detection of certain cancers, including but not limited to breast cancer, skin cancer, testicular cancer.”⁵⁸
- “Instruction in highway safety and traffic regulation...If such courses are not so established and maintained in a private school, attendance upon instruction in such school shall not be deemed substantially equivalent to instruction given to pupils of like grade in the public schools in the city or district in which such pupils reside.”⁵⁹

Perhaps the Regulations are simply recommendations, aspirations that will not be strictly enforced?

The recent case of Yeshiva Mesivta Arugath Habosem (YMAH), the first school to be evaluated by the state for equivalency, unfortunately negates this line of thinking. Yeshiva Mesivta Arugath Habosem is a Hasidic, Williamsburg elementary school. This school was cast into the limelight when a divorced,

formerly Hasidic mother sued the school after a court decided she must continue sending her child there, per his father’s wishes. She alleged that her son’s yeshiva was not providing an education that is substantially equivalent to that provided in a public school.

While the NYC Department of Education visited the school multiple times, and drafted a comprehensive report approving the school for purposes of substantial equivalency, the state’s Commissioner overrode that decision.

The Commissioner afforded the findings of the independent Department of Education “minimal weight” because it contradicted or did not sufficiently address “the sworn allegations submitted by the child’s mother who filed suit.”

In fact, the Commissioner also flunked the school, in part, because it showed “little evidence“ of conformity with instruction **in patriotism, citizenship, the New York Constitution, New York State history, highway safety and traffic regulation, and instruction around alcohol, drugs, tobacco abuse, and the detection of certain sexual cancers.**

Bottom Line: *Perhaps it’s useful to teach elementary school children about highway and traffic regulation or the amendments of the New York State Constitution. Perhaps not. But the Regulations state, and the Commissioner has ruled, that NOT teaching such ancillary subjects will effectively fail a private school for equivalency purposes, meaning its children can be deprived of bread, milk and transportation to school, and more.*⁶⁰

*Presumably then, a private school excelling in the instruction of math, literature, STEM, coding, etc., can be deemed non-equivalent if not properly focusing on one of the ancillary subjects described above. Put another way, the Regulations place every private school in New York State at the whim of SED, which is empowered to invalidate and shut down any private school on technicalities. This is absurd.*⁶¹

⁵⁷ EDN § 804(3).

⁵⁸ EDN § 804(5).

⁵⁹ EDN § 806(1). Mind you, this seems to be required for elementary school children. It is unclear if highway safety and traffic regulation courses are required for preschool children in private schools.

⁶⁰ See later in this document where the consequences of a private school being deemed not equivalent are more fully explored.

⁶¹ And likely a violation of the US Constitution. See Professor Michael Helfand’s analysis of the Regulations in *Can the Agudath Israel of America* | *The Truth About New York State Yeshiva Education*

The Consequences for Private Schools That Don't Toe the Line are Swift and Severe

The consequences of non-compliance with the new Regulations are draconian, and impose harsh penalties on schools, students, and parents.⁶²

If a local school authority decides that a school is not substantially equivalent, that “nonpublic school shall no longer be deemed a school which provides compulsory education fulfilling the requirements of Article 65 of the Education Law.”⁶³ That is a death sentence for a school, and is the functional equivalent of a government directive shutting down the school.

Nor are private schools given much time to get in line with the state’s requirements. Specifically, a “non-equivalent” private school must:

[c]ollaboratively develop, within sixty

What exactly are the consequences to a private school being found not equivalent?

days, a timeline and plan with the nonpublic school for attaining substantial equivalency in an amount of time that is reasonable given the reasons identified in the review, provided that such timeline shall not exceed the end of the next academic year following the year in which the preliminary determination is made⁶⁴

At the conclusion of this timeline, the Regulations afford private school a short period before a “final determination” is made, along with dire consequences:

No later than sixty days after the end of the timeline described in paragraph (1) of this subdivision, including any extensions granted pursuant to paragraph (3) of this subdivision, the LSA shall render a final determination in accordance with the provisions of subdivision (b) of this section.⁶⁵

The impact on the students educated at a

state tell yeshivas what they can teach? Here's what the courts may decide.

⁶² Local school authorities are also at risk. The new Regulations provide that “the Commissioner may withhold public moneys” from local school authorities that do “not make sufficient progress,” in review of nonpublic schools.

⁶³ 8 N.Y.C.R.R. 130.06(c)(2)(i)

⁶⁴ 65 N.Y.C.R.R. 130.06(a)(1)(iii)

⁶⁵ 8 N.Y.C.R.R. 130.06(a)(2)

school deemed non-equivalent is severe. In addition to interrupting the students' course of study abruptly in the middle of the school year and forcing them to enroll elsewhere, the new Regulations explicitly allow the state to cease providing otherwise "legally required services" to the affected students.⁶⁶

Worse still are the penalties faced by parents whose children attend such a school. The new Regulations declare that parents whose children are enrolled at a nonpublic school are no longer in compliance with New York's compulsory education requirements.

The Regulations further provide that "any violation of the compulsory education requirements" are subject to the following penalties under Education Law §3233.

Those penalties are:

For the first offense by a fine not exceeding ten dollars or ten days' imprisonment; for each subsequent offense by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment.

Bottom Line: *A private school found non-equivalent by the state faces extreme legal consequences, as do all children and parents associated with that school. The state can forcibly enroll children at a different school, shut down services to the school, and fine, and even jail, parents. And the timeline for a school to reorient its teaching to align with the state is unforgiving: schools are given little more than until the next school year to potentially radically alter their school, or else.*

⁶⁶ 8 N.Y.C.R.R. 130.06(c)(2)(iv)

While Public Schools Have Little Accountability

Section 100.2 of the New York Regulations of the Commissioner of Education details the accountability requirements for public schools.

While there is guidance for what the evaluation shall include, there do not appear to be any unified state standards for public school teachers to adhere to.

Instead, the Regulations detail the requirement to have an annual “professional performance review.” What does this entail?

- iii. Professional performance review plan.
 - a. Development and adoption of the plan.
 - 1. Except as otherwise provided in subparagraph (ii) of this paragraph, by September 1, 2011, the governing body of each school district and BOCES shall adopt a plan, which may be **an annual or multi-year plan**, for the annual professional performance review of its teachers providing instructional services or pupil personnel services...⁶⁷

⁶⁷ 8 NYCRR 100.2(o)(1)(iii)(a)(1)

⁶⁸ 8 NYCRR 100.2(o)(1)(iii)(b)(4)

⁶⁹ AYP stands for Adequate Yearly Progress

What standards are public schools & public-school teachers held to? What are the consequences?

And even if a teacher is, by whatever standards are locally imposed, found to be incompetent, the Regulations state:

Teacher improvement. The plan shall describe how the school district or BOCES addresses the performance of teachers whose performance is evaluated as unsatisfactory, and shall require the development of a teacher improvement plan for teachers so evaluated, which shall be developed by the district or BOCES in consultation with such teacher.⁶⁸

Similarly, the terms are generous for public school accountability:

- a. Accountability phases.
 - 1. Improvement phase.
 - i. A school that **fails to make AYP⁶⁹ for two consecutive years** on the same accountability performance criterion in paragraph

(14) of this subdivision or the same accountability indicator in paragraph (15) of this subdivision shall be designated in the next school year as a school in improvement (year 1) for that accountability performance criterion/accountability indicator.⁷⁰

2. Corrective action phase.

i. A school that is designated as a school in improvement (year 2) that fails to make AYP on the same accountability performance criterion or accountability indicator for which it has been identified as a school in improvement (year 2) shall be designated in the next school year as a school in corrective action (year 1) for that accountability performance criterion/accountability indicator.⁷¹

3. Restructuring phase.

i. A school that is designated as a school in corrective action (year 2) that fails to make AYP on the same accountability performance criterion or accountability indicator for which it has been identified shall be designated in the next school year as a school in restructuring (year 1) for that accountability performance criterion/accountability indicator.⁷²

So, to summarize, a public school can fail standardized exams and not make adequate yearly progress for four years before it becomes categorized in the Restructuring

Phase category.

The Regulations then proceed to describe years of interventions, additional assistance, and corrective action plans for schools in the Restructuring phase category.

Failing these measures, those in the Restructuring phase, enter the Registration Review status.

Specifically:

A school placed under registration review shall be given three full academic years to show progress. If, after three full academic years of implementing a restructuring plan, the school has not demonstrated progress as delineated by the commissioner in the warning pursuant to subparagraph (i) of this paragraph, the commissioner shall recommend to the Board of Regents that the registration be revoked and the school be declared an unsound educational environment, except that the commissioner may upon a finding of extenuating circumstances extend the period during which the school must demonstrate progress. The board of education of the school district which operates the school (in New York City, the chancellor) shall be afforded notice of such recommendation and an opportunity to be heard in accordance with subparagraph (iv) of this paragraph. Upon approval of revocation of registration by the Board of Regents, the commissioner will develop a plan to ensure that the educational welfare

⁷⁰ 8 NYCRR 100.2(p)(6)(i)(a)(1)

⁷¹ 8 NYCRR 100.2(p)(6)(i)(a)(2)

⁷² 8 NYCRR 100.2(p)(6)(i)(a)(3)

of the pupils of the school is protected. Such plan shall specify the instructional program into which pupils who had attended the school will be placed, how their participation in the specified programs will be funded, and the measures that will be taken to ensure that the selected placements appropriately meet the educational needs of the pupils. The commissioner shall require the board of education to implement such plan.⁷³

Finally, there are multiple layers of due process to ensure that a school that (somehow) reaches this status is adequately protected.

vii. Decisions to revoke the registration of a public school shall be made in accordance with the following procedures:

- a. The commissioner shall provide written notice of his recommendation and the reasons therefor to the board of education, which operates the school (in New York City, both the New York City Board of Education and any community school board having jurisdiction over the school). Such notice shall also set forth:
 1. the board of education's right to submit a response to the recommendation and request oral argument pursuant to clause (b) of this subparagraph;
 2. the place, date and time the matter will be reviewed and if requested, argument heard by a three-member panel of the Board

of Regents for recommendation to the full Board of Regents; and

3. notification that failure to submit a response will result in the commissioner's recommendation being submitted to the Board of Regents for determination.
- b. Within 15 days of receiving notice of the recommendation to revoke registration, the board of education may submit a written response to the commissioner's recommendation. The response shall be in the form of a written statement which presents the board of education's position, all evidence and information which the board of education believes is pertinent to the case, and legal argument. If the board of education desires, it may include in its response a request for oral argument. Such response must be filed with the Office of Counsel, New York State Education Department, State Education Building, Albany, NY 12234.
- c. Within 30 days of the date of notice of the commissioner's recommendation, a panel comprised of three members of the Board of Regents, appointed by the chancellor, shall convene to consider the commissioner's recommendation, review any written response submitted by the board of education and, if timely requested by the board of education, hear oral argument.⁷⁴

⁷³ 8 NYCRR 100.2(p)(10)

⁷⁴ 8 NYCRR 100.2(p)(10)

Bottom Line: *There are no unified standards for public school teachers. If a teacher is deemed incompetent, the law only requires “an improvement plan.”*

Moreover, a public school must demonstrably fail for nearly a decade before facing closure. It must fail consistently to progress from the Improvement Phase, to the Corrective Action Phase, to the Restructuring Phase, and then fail through numerous levels of interventions and additional support. It is subsequently afforded three years to show improvement. At that point, the law erects extensive due process protections to protect the school, requiring rounds of hearings and the involvement of the Commissioner, the Board of Education, and Board of Regents, so that no one can single-handedly close a school.

Yet a non-equivalent private school would be forcibly shut down within a year or two.

How can private schools be held to significantly more exacting standards than the very public schools the law requires them to be equivalent to?

What Yeshivas Teach

In its attempt to “civilize”⁷² Orthodox Jews, the NYT and yeshiva critics fail to investigate or appreciate what yeshivas teach, and, more importantly, what they produce.

Clearly, Orthodox Jewish parents send their children to yeshiva primarily to instill within them a solid grounding in Jewish learning and Jewish identity.

That said, academics have marveled over the educational value - from a purely secular perspective - that Orthodox Jewish education fosters.

Dr. Moshe Krakowski is a tenured professor at Yeshiva University's Azrieli Graduate school of Jewish Education and Administration, where he directs the doctoral program in Jewish education, and researches Haredi and Hasidic yeshiva education.

Dr. Krakowski has been studying this form of education for nearly 20 years, far before reforming yeshiva education became a cause célèbre by some.

In his 11/21/2022 sworn affidavit to the Supreme Court of the state of New York, he described the education that occurs in a yeshiva from an academic perspective:

Most of the discussion about Haredi and Hasidic education presumes, implicitly or explicitly, that students whose school day focuses primarily on Jewish studies are uneducated or undereducated. Nothing could be farther from the truth...

⁷⁵ Rudyard Kipling's poem, "**The White Man's Burden**" (1899), which exhorted the United States to assume colonial control of the Filipino people and their country to "civilize" them, is a classic exemplar of the imperialistic and jingoistic ethos of that time.

Take up the White Man's burden—
Send forth the best ye breed—
Go bind your sons to exile
To serve your captives' need;
To wait in heavy harness
On fluttered folk and wild—
Your new-caught, sullen peoples,
Half devil and half child...

History today records that period as an embarrassing blot on American history, disrespectful to cultures other than the Western one. One cannot help but see analogs of that sentiment to those who disparage rigorous yeshiva education as backwards, and that Western civilization must, once again, rescue these poor Orthodox and Hasidic children.

Yeshiva education promotes most of the critically important learning principles that I studied as a doctoral student, to a degree that would put many college and graduate students to shame.

Then, after detailing his observation of a middle school class studying a complex passage of Talmud, he summarized:

This type of cognitive transfer of structural similarities in different content domains is something that is known in the cognition literature to be particularly important to reasoning, and particularly difficult. Yet yeshiva elementary school students do this every single day, in classrooms across New York State.

The skills inherent to this form of Talmud study are exactly those that professional educators view as necessary for deep learning in a wide variety of domains. In science education, researchers work on designing curricula so that students will learn key argumentation practices, such as how to argue from evidence, make inferences from data, and support hypotheses. In English, history and social studies educators look for precisely the reading comprehension skills that yeshiva students develop. In math, the education literature has moved beyond the simple memorization of math facts to focus on mathematical reasoning and thinking, where students are able to understand how proofs work and to generate mathematical argumentation on their own.

All of these skills are not only present in yeshiva education, they occupy a more central role in yeshiva education than in other school systems. And all this is in

in addition to the multilingual nature of yeshiva education.

Professor Aaron D. Twerski is the Irwin and Jill Cohen Professor of Law at Brooklyn Law School, where he has been teaching since 2007. From 2005 to 2007, he served as the Dean and a Professor of Law at Hofstra University Law School, after teaching law at numerous prestigious posts.

He has also authored textbooks and numerous law review articles and served as the Co-Reporter for the American Law Institute's Restatement of Torts Third: Products Liability. In 2009, Dr. Twerski received the American Bar Association's Tort Trial & Insurance Practice Section Robert B. McKay Law Professor Award, which recognizes law professors who are committed to the advancement of justice, scholarship, and the legal profession in the fields of tort and insurance law. In 2015, he received the William L. Prosser Award from the American Association of Law School's Torts and Compensation System Section, which is presented to a professor who has made an outstanding contribution to the law of torts during his or her career.

Dr. Twerski's evaluation, in his affidavit:

There are two distinct elements of a yeshiva education that set it apart from schools and that, in my opinion and experience, make them superior to such schools. First, a yeshiva education provides students with critical thinking and analytical skills that far surpass those obtained by students at traditional schools. The length of the school day, the depth of the curricular material and the almost-Socratic method employed even in yeshiva elementary schools provide

students with training that is valuable to them as adults across disciplines and professions.

Second, a yeshiva education places a heavy emphasis on ethical and moral development, as well as cultural identity, traditions, and cohesion. These values may not impress our critics, who focus solely on material success, but they are what matters in life. More significantly, they matter to the thousands of parents who choose each year to enroll their children in yeshivas...

In any event, yeshiva education is remarkably effective in providing the tools necessary for success in the secular world. Indeed, I would challenge any large-scale secular educational system to match the results accomplished by our schools.

Dr. Krakowski and Professor Twerski are leaders in their fields, and can authoritatively assert their findings and compare secular didactic modalities and yeshiva education. Their conclusion can be summed up by Dr. Krakowski's statement in another context:

While law and educational policy is not my field — ultra-Orthodox, or Haredi, education is. I have been researching and writing about ultra-Orthodox education for the past 15 years. And while I have no idea how the legal term “substantially equivalent” ought to be applied to yeshiva education — having studied the education in these schools for many years, I have no doubt that apart from the core secular studies they do learn, what these students learn every day in religious classes is educationally more than equivalent to what they would be otherwise studying in public school.⁷⁶

Bottom Line: *Few are qualified to opine on Judaic studies from an academic perspective like Dr. Krakowski and Professor Twerski. While Judaic studies may seem foreign to the average American or legislator in Albany, that does not make them less valuable.*

While Jewish parents sacrifice financially to send their children to yeshiva primarily for moral and religious reasons, yeshiva's academic value should not be overlooked. While its instruction is ancient, in a world where almost any raw fact is instantly accessible, perhaps yeshiva education is the most modern and human educational crucible of all: focusing on analytical reasoning, close reading, understanding varying conflicting data points and perspectives, inculcating grit and determination, and encouraging introspection into one's moral obligations to the world.

This unique constellation of training ought not be slaughtered on the altar of educational homogeneity and the crusade for “equivalency.”

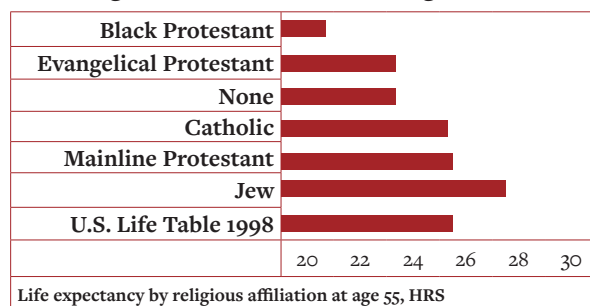
⁷⁶ <https://forward.com/life/416616/what-yeshiva-kids-are-actually-studying-all-day/>

Yeshivas Must Be Doing Something Right

In addition to receiving a unique educational experience, and earning significantly more than the median American salary, as described, Orthodox and Hasidic Jewish yeshiva graduates display a number of other positive sociological qualities.

Well-Being

Yeshiva graduates tend to live longer.⁷⁷



While data that include both religious affiliation and mortality in the U.S. are difficult to find because neither the Census nor vital statistics collect affiliation information, the Health and Retirement Study (HRS), is an excellent source for such information. The HRS surveys a representative sample of approximately

20,000 people in America, supported by the National Institute on Aging and the Social Security Administration.

A review of this data tracked participants over the age of 50 and found that Jews had the lowest mortality of any religious group, and that mortality decreased as attendance in prayer increased.

Furthermore, a longitudinal study in Israel tracked 9,237 men for over 32 years, to see if there was any relationship between level of Jewish religiosity and coronary heart disease and all-cause mortality.⁷⁸ Based on the prevalence by more religious individuals to a) focus on scholarly rather than physical pursuits, b) have a more limited kosher diet, and c) be less financially well-off than their less observant peers, the researchers expected the yeshiva educated Haredim to exhibit shorter lifespans and higher rates of heart disease.

After 32 years, the results were the opposite. The Haredim fared best in all markers, followed by Jews who self-identified as “Religious,” followed by the “Traditionals,” followed by “Secular Jews,” and then by “Agnostics.”

Yeshiva-educated, more religious Jews tend to be happier as well.

As reported in the New York Times,⁷⁹ in a Gallup-Healthways Well-Being Index, culling the data of 372,000 interviews,

⁷⁷ Sullivan A. R. (2010). Mortality Differentials and Religion in the U.S.: Religious Affiliation and Attendance. *Journal for the scientific study of religion*, 49(4), 740–753. <https://doi.org/10.1111/j.1468-5906.2010.01543.x>

⁷⁸ Eilat-Adar, S., Hellerstein, D., & Goldbourt, U. (2022). Religiosity Is Associated with Reduced Risk of All-Cause and Coronary Heart Disease Mortality among Jewish Men. *International journal of environmental research and public health*, 19(19), 12607. <https://doi.org/10.3390/ijerph191912607>. Full text available at file:///C:/Users/13474/Downloads/ijerph-19-12607-v3.pdf

⁷⁹ <https://archive.nytimes.com/economix.blogs.nytimes.com/2011/01/07/american-jews-lead-the-happiest-lives/>

the very religious Jews scored the highest in levels of well-being.

Crime

Historically, it was difficult to properly analyze relative rates of crime in different New York City neighborhoods. One of the most comprehensive such efforts sought to synthesize data from NYPD's Compustat and 2010 U.S. Census Bureau findings.⁸⁰

A team of journalists and technology experts assembled a list of sixty-nine neighborhoods that matched, as closely as possible, seventy-six

New York City police precinct boundaries.

Below were the safest fifteen neighborhoods in New York City using the 2010 data.

<i>Well-Being Index Composite Score by Religiosity Within Each Religious Identity</i> <i>Controlling for age, income, education, gender, race/ethnicity, marital status, and region</i>			
	Very Religious	Moderately Religious	Nonreligious
Jewish	71.2	70.0	68.4
Mormon/Latter-Day Saints	70.5	64.3	65.4
No religion/Atheist/Agnostic	70.2	65.7	65.0
Roman Catholic	69.3	66.0	65.5
Other non-Christian	69.0	64.6	63.0
Protestant/Other non-Catholic Christian	68.3	63.1	63.2
Muslim/Islam	67.9	64.5	65.0

⁸⁰ <https://www.dnainfo.com/new-york/crime-safety-report/about/>

RANKINGS		Borough: All Boroughs	Rank by: SAFEST FOR TOTAL CRIMES
Rank	Neighborhood		
1	GREAT KILLS & TOTTENVILLE	Overall Safety Rank	1
2	NEW DORP & SOUTH BEACH	Overall Safety Rank	2
3	KENSINGTON & BOROUGH PARK	Overall Safety Rank	3
4	BENSONHURST	Overall Safety Rank	4
5	SHEEPSHEAD BAY	Overall Safety Rank	5
6	FOREST HILLS & REGO PARK	Overall Safety Rank	6
7	BAY RIDGE	Overall Safety Rank	7
8	BAYSIDE	Overall Safety Rank	8
9	FLUSHING & WHITESTONE	Overall Safety Rank	9
10	THE ROCKAWAYS	Overall Safety Rank	10
11	FRESH MEADOWS	Overall Safety Rank	11
12	ST. GEORGE	Overall Safety Rank	12
13	RIVERDALE	Overall Safety Rank	13
14	UPPER EAST SIDE	Overall Safety Rank	14
15	CORONA & ELMHURST	Overall Safety Rank	15

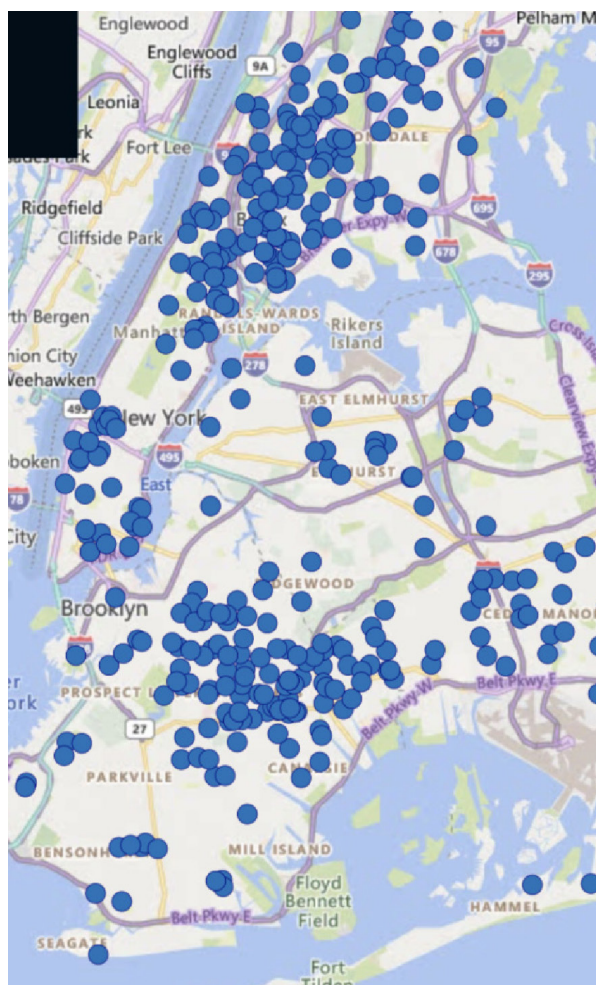
What emerges is that some of the safest neighborhoods in New York – Borough Park, Sheepshead Bay, Forest Hills, Flushing, the Rockaways, and Riverdale (numbers 3, 5, 6, 9, 10 and 13) - are also some of the most heavily Orthodox Jewish neighborhoods in the city.

In 2016, Compustat 2.0 was released by NYPD, which more easily maps neighborhoods and crimes. To the right is a map of all murders in 2022.

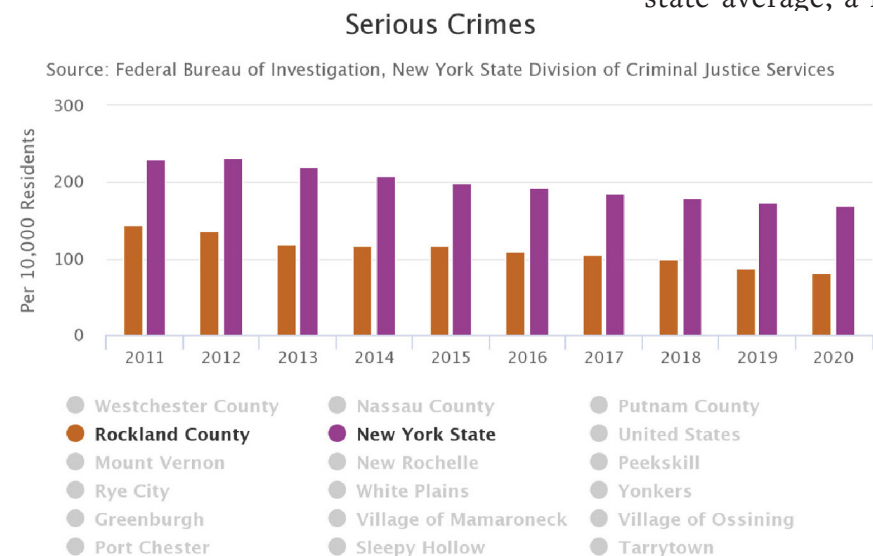
Indeed, the 2022 map mirrors the findings of the 2010 study: predominantly Orthodox Jewish neighborhoods are consistently some of the safest in NYC.

Looking beyond NYC, Rockland County is home to a large Orthodox Jewish population. Using data from the FBI and the NYS Division of Criminal Justice Services, below is the crime rate in Rockland County (orange) as compared to the state average (purple).⁸¹

In addition to the clear trend of crime in Rockland being significantly lower than the



state average, a review of the below chart reveals another interesting pattern. While crime both statewide and in Rockland has declined in recent years, as the Jewish population in Rockland has grown, the rate of crime has declined in Rockland at an even faster rate than the rest of the state.



⁸¹ <https://westchesterindex.org/community/serious-crimes#:~:text=How%20is%20Westchester%20County%20performing,at%2041%20per%2010%2C000%20residents>

Civic Engagement

A word about kindness. Kindness and benevolence - an obligation that every yeshiva child learns from a young age - are built into the fabric of the community. This strength uplifts individual families and, by extension, whole communities.

Which is why there are organizations like Hatzolah, founded in Williamsburg, Brooklyn, New York, the largest volunteer ambulance corps in the United States.

Hatzolah provides free emergency medical services irrespective of religion, and its response time and dedication to human life are legendary.

But there are so many others. An Orthodox Jewish benevolent organization exists for nearly anything you could think of (and probably a few you never would think of), from free stroller loans to elder care, and everything in between.

Bottom Line: *Objective data shows that Jews, particularly Orthodox Jews who attend yeshiva, exhibit higher levels of well-being and live longer than any other group. Moreover, they foster peaceful, low crime communities in every area they are found, a fact reiterated wherever reliable statistics could be found. Moreover, yeshiva educated Jews are civically and charitably engaged.*

Dr. Martin Luther King Jr. said, “The function of education is to teach one to think intensively and to think critically. Intelligence plus character - that is the goal of true education.”

By that measure, and the findings above, Orthodox Jewish schools are doing quite well.

Appendix A

From: Eliza Shapiro <eliza.shapiro@nytimes.com>

Sent: Thursday, September 1, 2022, 12:43 PM

Subject: Upcoming New York Times article on Hasidic schools/seeking comment

I. Summary of the findings

To report the article, we interviewed more than 275 people, including 175 current or former students and parents and 50 current or former teachers, school employees and other educators. Dozens of the people we interviewed are still in the Hasidic community. We also obtained many school documents, like budgets, school rules and actual student work. We also toured the only school that let us inside. We analyzed numerous public documents, including data on more than 50 different funding programs as well as test scores for all schools in the state.

The article will focus on what is essentially the Hasidic boys school system, a network of about 150 all-male religious schools in Brooklyn and the lower Hudson Valley that our reporting identified as being operated by various Hasidic groups. Collectively, these schools serve about 50,000 students, a number that has risen in recent years.

The article will say that the leaders of New York's Hasidic community built this school network to educate children in Jewish law, prayer and tradition and to wall off students from the secular world. The schools provide intense religion-based instruction, which help the students to learn Yiddish, Hebrew and Aramaic, plus moral values, logic and legal principles.

The article will also say these schools provide almost no instruction in basic secular subjects such as history or science. Most schools teach English reading and math on four days a week, often for 90 minutes a day after hours of grueling religious lessons, and typically only for boys aged 8 to 12. The instructors for secular studies are often woefully unqualified teachers, and often earn as little as \$15 an hour. Some are hired off Craigslist or ads on lamp posts, and many cannot fluently speak English. The rules for some schools discourage further study at home (although some children do it nonetheless) and, in some cases, ban students from speaking English at home. Many textbooks are censored.

The article will say that, overall, students in these schools are deprived of education unlike students anywhere else in New York. One basis for that statement will be state standardized tests in grades 3-8. Our analysis found that, according to the data provided by the state

education department, 99 percent of students at Hasidic boys schools who took standardized tests in the last year with full data available for comparisons failed. At several Hasidic schools, every student failed. The scores came in lower than all public schools, including those primarily serving low-income students and English Language Learners. In fact, when we ranked all schools of all kinds in the state, the ones with the lowest scores were all Hasidic boys schools. The article will also quote teachers describing shortcomings and will show student work, as well. The article will say that these failures are happening by design, because the community feels that too much exposure to the secular world would harm students.

(The article will say that Hasidic girls schools provide more secular education, but its students are also struggling. About 80 percent of students at Hasidic girls schools who took tests in that last year with full data available failed)

The article will say that this has left many boys unable to speak English fluently, let alone read or write in English or perform math beyond multiplication and division. It also has helped push poverty rates in the Hasidic community to some of the highest in the state. The article will trace how this has affected former Hasidic students, including those who remained in the community and faced poverty, as well as those who left and struggled with drugs, alcohol or self harm.

The article will say that these Hasidic boys schools are private schools, and they collect tuition, but they also receive enormous sums of public money, more than \$1 billion in the last five years. That includes more than \$375 million annually through various government programs (and more than \$200 million additional pandemic stimulus funding). The article will say that Hasidic boys schools receive about \$50 million annually from city child care vouchers, which they access by labeling the end of their school day as child care, and \$30 million from financial aid programs, which they access by saying their oldest students are pursuing Bachelor's Degrees in religious studies. It will also say they receive \$100 million through nutrition programs and \$100 million in funding for secular education specifically (including Title 1, School Aid / MSA, attendance and academic intervention). \$15 million for books and instructional materials, \$30 million for transportation through a program created for yeshivas, and \$200,000 through E-Rate, even though they do not allow students and teachers to use the Internet.

The article will say that many religion teachers use severe corporal punishment, which creates an environment of fear that makes learning difficult. We've heard dozens of stories of teachers in the last 10 years hitting kids with belts, sticks and rulers. In the past few years, some Hasidic schools have asked their teachers to be less violent, but corporal punishment has remained common. Sometimes, it is so severe that boys call 911.

The article will say that, in New York, private schools are required by law to teach basic subjects and provide an education comparable with what is offered in public schools. And for years,

complaints have circulated about Hasidic schools: staffers at the State Education Department have raised red flags, news outlets have published stories and parents have filed legal cases and official complaints. But officials have failed to act, and have instead accommodated Hasidic leaders, who control a powerful voting bloc. The article will talk about the Hasidic community's political power, which we studied via voting records, and how the schools play a central role, including by sending sample ballots home and giving students prizes for bringing back "I Voted" stickers into school.

Finally, the article will discuss the proposed regulations on private schools that the State Education Department has been drafting, and how the regulations have been watered down after being challenged by the Hasidic community. The community has been rallying opposition to the new regulations.

An Open Letter to the Pulitzer Prize Board

April 10, 2023

For over a century, the Pulitzer Prize Board has recognized and awarded elite journalism, setting the standard for excellence in the field.

We understand that a series of articles by the New York Times attacking the Orthodox and Hasidic community, and particularly Hasidic schools, may be vying for this prestigious award in the investigative journalism category.

Agudath Israel of America, a 100-year-old umbrella group representing Orthodox Jews in America, under the banner of its newly formed division, KnowUs, is sending this letter to the Pulitzer Prize Board to alert it of the offensive nature of these articles, and to document – with

copious sourcing – how the articles have breached numerous standards of journalistic ethics.

We believe that awarding these articles, in any way, furtherance of offensive, antisemitic vying for this prestigious award in the will be seen as a Orthodox and not only tropes, but would diminish the standing of the Pulitzer Prize tacit approval and by celebrating articles of demonstrably poor journalistic integrity.

Between September 11, 2022 and March 2, 2023 the New York Times has engaged in a relentless campaign⁸² of overwhelmingly negative depictions of Hasidic Jews, their educational

⁸² 17 articles between September 11th 2022 and March 2nd 2023.

- 9/11/22: “In Hasidic Enclaves, Failing Private Schools Flush with Public Money” Eliza Shapiro & Brian M. Rosenthal.
- 9/11/22: “N.Y. State Vote Could Raise Pressure on Officials Over Hasidic Schools” Eliza Shapiro & Brian M. Rosenthal.
- 9/12/22: “New York Lawmakers Call for More Oversight of Hasidic Schools” Eliza Shapiro, Brian M. Rosenthal & Nicholas Fandos.
- 9/13/22: “New State Rules Offer Road Map for Regulating Private Hasidic Schools” Eliza Shapiro & Brian M. Rosenthal
- 9/15/22: “A Closer Look at The Times’s Report on Hasidic Schools” James Barron interviewing Brian M. Rosenthal
- 9/16/22: “It Is Long Past Time to Help New York’s Hasidic Children” The Editorial Board.
- 9/23/22: “Zeldin Sees a Path to Becoming Governor. It Runs Through Brooklyn” Nicholas Fandos & Eliza Shapiro.
- 10/12/22: “Hasidic School Is Breaking State Education Law, N.Y. Official Rules” Eliza Shapiro & Brian

institutions, and their lives.

Any constructive, legitimate issues these articles may have sought to raise were buried by misleading statistics; an unethical lack of transparency of the Times' sources; lack of balance; omission of critical context; questionable credit-taking for subsequent events; and repeated engagement in negative association fallacy.

Perhaps no body better than this august one understands that words have meaning. A free press can be an incredibly powerful force – for good or otherwise. Particularly so when these words appear, sometimes on the front page, of a prominent newspaper. The Times has misused this incredible power. And the victims of this reporting – Orthodox and Hasidic Jews in New York – are a marginalized minority already subject to a rising, frightening number of hate crimes.

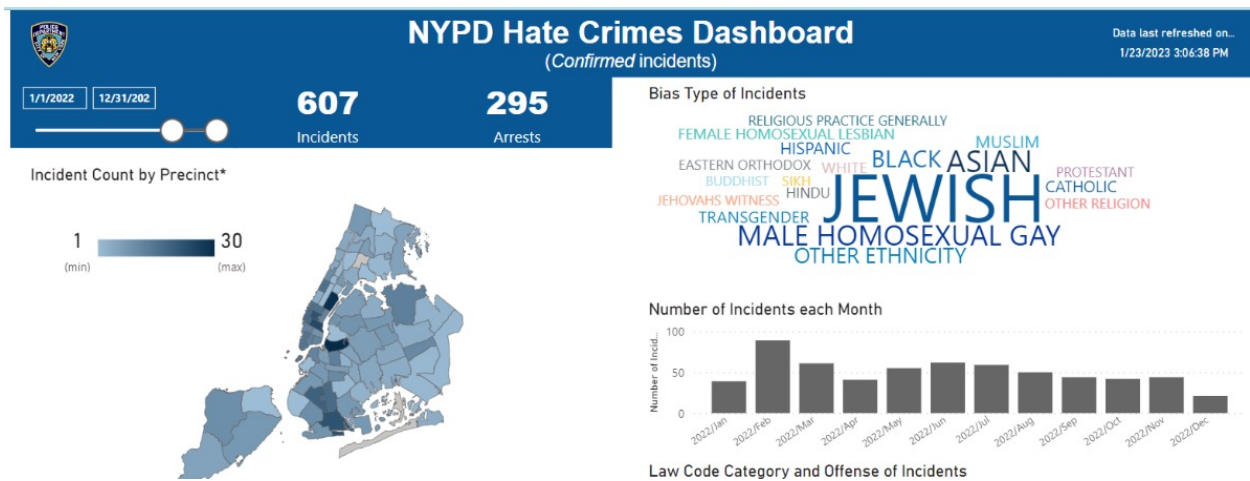
Antisemitism in New York

-
- M. Rosenthal
- 10/24/22: “Hasidic School to Pay \$8 Million After Admitting to Widespread Fraud” Eliza Shapiro & Brian M. Rosenthal
 - 10/30/22: “How the Hasidic Jewish Community Became a Political Force in New York” Emma G. Fitzsimmons. Bianca Pallaro, Brian Rosenthal & Eliza Shapiro contributed
 - 12/12/22: “Why Some Hasidic Children Can’t Leave Failing Schools” Eliza Shapiro
 - 12/29/22: “How Hasidic Schools Reaped a Windfall of Special Education Funding” Brian M. Rosenthal
 - 1/11/23: “Education Firms Charged With Stealing \$2.8 Million in Child Care Funds” Brian M. Rosenthal, Eliza Shapiro and Benjamin Weiser
 - 2/2/23: “Education Firms That Serve Hasidic Schools Are Barred Amid Fraud Inquiry” Eliza Shapiro & Brian M. Rosenthal
 - 2/3/23: “New York Blocks Payments to 20 Firms That Serve Hasidic Schools” James Barron
 - 2/20/23: “How Public Money Goes to Support a Hasidic Village’s Private Schools” Jay Root
 - 3/2/23: “Ban Corporal Punishment in Private Schools, New York Lawmakers Say” Brian M. Rosenthal and Eliza Shapiro

83 Microsoft power Bi - [app.powerbigov.us](https://app.powerbigov.us/view?r=eyJrIjoieYjg1NWl3YjgtYzkyOSooNzcoLTkwMDAtNTgzM2I2M2JmYWWE1IiwidCI6IjJiOWY1N2ViLTc4ZDEtNDZmYi1iZTgzLWEyYWZkZDdjNjAoMyJ9). (n.d.). Retrieved March 31, 2023, from <https://app.powerbigov.us/view?r=eyJrIjoieYjg1NWl3YjgtYzkyOSooNzcoLTkwMDAtNTgzM2I2M2JmYWWE1IiwidCI6IjJiOWY1N2ViLTc4ZDEtNDZmYi1iZTgzLWEyYWZkZDdjNjAoMyJ9>

84 Police data shows antisemitic incidents in NYC more than doubled over last 2 years. The Times of Israel. (2023, January 10). Retrieved March 31, 2023, from <https://www.timesofisrael.com/police-data-shows-antisemitic-incidents-in-nyc-more-than-doubled-over-last-2-years/>

The New York City Police Department reported 261 antisemitic hate crimes in 2022, or one incident every 34 hours.⁸³ This is up from 196 anti-Jewish incidents in NYC in 2021 and 121 crimes in 2020.⁸⁴



Put another way, hate crimes against Jews in 2022 comprised 43% of total hate crimes in the city, or nearly as many hate crimes as those perpetrated against Black, Asian, Muslim, LGBTQ+, Hindu, Hispanic, and every other marginalized group, combined.⁸⁵ For context, it is estimated that only 14% of NYC is Jewish.^{86 87}

Statewide, as reported by the New York Times, antisemitic incidents are at their highest levels in decades.⁸⁸ Nationally, the

Anti-Defamation League (ADL) reports that there have been more antisemitic incidents in 2022 than in any other year since the ADL began compiling data in 1979.⁸⁹

Orthodox Jews Bear the Brunt

According to the Audit of Antisemitic Incidents of 2022, released by the ADL in March 2023, visibly Orthodox Jews were the victims of 64% of the assault incidents in New York State.⁹⁰

⁸⁵ Microsoft power Bi - app.powerbigov.us. (n.d.). Retrieved March 31, 2023, from <https://app.powerbigov.us/view?r=eyJrIjo1Yjg1NWl3YjgtYzkyOSooNzcoLTkwMDAtNTgzM2I2M2JmYWWE1IiwidCI6IjJiOWY1N2ViLTc4ZDEtNDZmYi1iZTgzLWEyYWZkZDdjNjAoMyJ9>

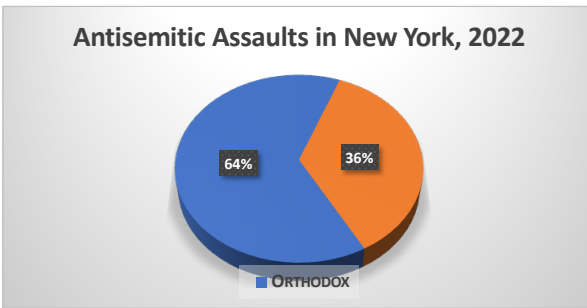
⁸⁶ Heilman, U., Lapin, A., Kampeas, R., Sales, B., & Gelman, A. (2017, September 26). 7 things to know about the jews of New York for Tuesday's primary. Jewish Telegraphic Agency. Retrieved April 5, 2023, from <https://www.jta.org/2016/04/18/politics/7-things-to-know-about-the-jews-of-new-york-for-tuesdays-primary>

⁸⁷ These figures are even more striking when viewed in tandem with the fact that, as described below, most hate crimes are committed against Orthodox Jews. Considering that only about 32% of NYC Jews are Orthodox, that means that far less than 14% of the city's population stated are the victims of a staggering number of assaults and hate crimes.

⁸⁸ Stack, L. (2022, April 26). Antisemitic attacks in New York are at highest level in decades. The New York Times. Retrieved March 29, 2023, from <https://www.nytimes.com/2022/04/26/nyregion/antisemitic-attacks-new-york.html>

⁸⁹ ADL. (2023, March). ADL-2022-Audit-of-Antisemitic-Incidents-2021. Page 5. <https://www.adl.org/sites/default/files/pdfs/2023-03/ADL-2022-Audit-of-Antisemitic-Incidents-2021.pdf>

⁹⁰ ADL. (2023, March). ADL-2022-Audit-of-Antisemitic-Incidents-2021. Page 20.



Moreover, attacks on Orthodox Jews increased 69% since 2021.⁹¹

2023 is a dangerous time to be Jewish, especially if daring to be visibly so, in New York.

The New York Times should have considered these facts carefully before publishing poorly sourced stories and amplifying stereotypes about Jews in a series of this nature.

Full disclosure:

Agudath Israel of America is an Orthodox Jewish organization. But the concerns we raise are shared by non-Orthodox groups as well. We reproduce below the words of the ADL and the Jewish Community Relations Council (JCRC), two leading mainstream secular Jewish organizations that have expressed deep concern about the Times'

recent reportage on Hasidic schools.

The Anti-Defamation League

The Anti-Defamation League (ADL) is one of the oldest and largest organizations combatting antisemitism.

On September 15th, four days after the first Times article emerged, ADL CEO Jonathan Greenblatt, standing next to Reverend Al Sharpton on the White House lawn, publicly commented regarding the New York Times coverage of Orthodox Jews. Mr. Greenblatt stated, notwithstanding that he felt that educational issues may merit examination, that the New York Times coverage of this topic was biased and framed in a manner that could increase antisemitism.⁹²

The ADL New York/New Jersey issued a statement regarding the coverage in September. On January 11th, as the articles continued in a similar vein, ADL New York/New Jersey tweeted:⁹³

In September 2022, the @NYTimes published its first investigative piece on the Orthodox community. It seemed to paint that community with a broad brush, and we

<https://www.adl.org/sites/default/files/pdfs/2023-03/ADL-2022-Audit-of-Antisemitic-Incidents-2021.pdf>

⁹¹ ADL. (2023, March). ADL-2022-Audit-of-Antisemitic-Incidents-2021. Page 11.

<https://www.adl.org/sites/default/files/pdfs/2023-03/ADL-2022-Audit-of-Antisemitic-Incidents-2021.pdf>

⁹² Video, ADL New York / New Jersey. (2022, September 21). Full video of the remarks may be seen here: [Pic.twitter.com/qm7evmnim3](https://twitter.com/qm7evmnim3). Twitter. Retrieved March 30, 2023, from https://twitter.com/ADL_NYNJ/status/1572697501299507200

⁹³ ADL New York / New Jersey. (2023, January 11). 1/4 in September 2022, the @NYTimes published its first investigative piece on the Orthodox community. it seemed to paint that community with a broad brush, and we issued the below statement because we were concerned about stereotyping that could lead to antisemitism. <https://t.co/rjzknhkiom>. Twitter. Retrieved March 29, 2023, from https://twitter.com/ADL_NYNJ/status/1613235030159167488

issued the below statement because we were concerned about stereotyping that could lead to antisemitism...

...such stereotyping can add fuel to the fire. We ask that that the @nytimes take this into account in their investigative reporting and that the readers of these articles refrain from generalizing about these communities.

In early February, Mr. Greenblatt stated:

In an environment where antisemitism is already on the rise, in an environment where anti-Jewish hatred is already being normalized... feeding the public stereotypes, contributing to the crisis rather than elucidating it is, I think, the height of irresponsibility. The vast majority of the attacks affect Orthodox Jews.

He continued, “The clannish nature of the community, playing into the trope of Jewish power, that Jews have a malevolent agenda to manipulate things behind the scenes, were really problematic elements.”

Mr. Greenblatt then shared how he met with the New York Times to discuss this. He summarized: “The Times heard, but I’m not sure that they listened.”

He then concluded:

We have the right to voice our outrage at this coverage. We have an obligation to a

community that is under siege to state clearly and consistently that this is not acceptable, and to demand that the paper that serves THE largest urban Jewish community in the world, endeavor to do better when addressing the issues facing that community.⁹⁴

The Jewish Community Relations Council (JCRC) of New York

Similarly, the JCRC released a formal statement in March 2023 in reaction to the New York Times’ coverage of the Hasidic Jewish community.⁹⁵

It stated, in part:

We are concerned about a pattern that has emerged in the New York Times’ coverage of the Haredi community (including the Hasidic community) in recent years. Stories dealing with this community have often painted a distorted and stereotyped picture, one that lacks broader context about this highly complex community, including the positive aspects of Haredi social structure.

The cumulative effect of the New York Times’ negative coverage of the Haredi community comes against the background of escalating antisemitic trends in this city and country and is likely to reinforce stereotypes of both Jews generally and the Haredi population in particular. Members of the Haredi community

⁹⁴ Dillon, K. (2023, February 15). New York Times played into ‘age-old trope of Jewish power’ in its Hasidic schools series, Adl says. Fox News. Retrieved March 29, 2023, from <https://www.foxnews.com/us/new-york-times-played-age-old-trope-jewish-power-hasidic-schools-series-adl-says>

⁹⁵ JCRC of New York. (2023, March 24). JCRC-NY statement re the New York Times coverage of Haredi Community [pic.twitter.com/4cgye1kaiy](https://twitter.com/4cgye1kaiy). Twitter. Retrieved April 3, 2023, from https://twitter.com/JCRCNY/status/1639329929060925442?ref_src=twsrc%5Etfw%7Ctwcamp%5Eembedde%7Ctwterm%5Escreen-name%3AJCRCNY%7Ctwcon%5Esi

wear distinctive clothing that immediately sets this part of the Jewish community apart from the broader population, making it particularly vulnerable in this moment of frightening increased antisemitism that disproportionately affects Jews who are readily identifiable as such.

We are in no way suggesting that important or critical stories go unreported.

We do believe that the New York Times has the responsibility to ensure its coverage of the Haredi community is fair-minded, accurately nuanced and contextualized, just as it should be for all communities in New York.

Antisemitic Tropes

Indeed, the articles are replete with antisemitic tropes. The articles raise and reinforce the notion that Orthodox Jews and their “bloc vote” control and manipulate politicians; that Rabbis hold some kind of menacing, iron grip on their sheep-like congregants;¹⁵ that religious teachers are intrinsically oppressive and abusive to children; and that Hasidic Jews, generally, are inherently corrupt and intent on bilking the system. These concepts are not incidental references but recur repeatedly throughout the articles.

Thriving Communities

The Orthodox community has a long history in New York. It has produced thriving, upstanding, productive, peaceful citizens that are a jewel in the crown of diversity that makes New York so special. Its hard-working members count themselves among every profession and field. They are involved in a broad array of charitable endeavors that have contributed greatly to the social fabric of

New York. Yet nowhere in the Times’ lengthy articles is there any effort to balance all the negativity the articles direct against Hasidic schools with references to any of the positive aspects and results of Orthodox and Hasidic education.

Conclusion

It is not the habit of Agudath Israel of America to interlope or intervene in the deliberations of the Pulitzer Prize Board; we believe this is the first occasion Agudath Israel has done so in its one-hundred-year history. However, in light of the palpable pain in the community, present danger on the streets, and unbalanced and inaccurate reporting, we felt compelled to pen this letter.

As a Board that strives to maintain the highest standards of integrity in writing, and with a legacy of prestigious Pulitzer Prize winners, we urge you to read the Appendix to this letter and familiarize yourself with the numerous, serious infractions of journalistic ethics perpetrated throughout these stories.

Understand the environment and the facts on the ground, the daily attacks on the street that Orthodox Jews endure and experience. And whatever you do, distance yourselves and do not affirmatively award this series. Thank you for your kind consideration,

Avrohom Weinstock, JD
Director | KnowUs

Rabbi David Zwiebel
Executive Vice President |
Agudath Israel of America

Appendix:

Breaches of Journalistic Principles

I. The Highest Journalistic Principles

On its website, as its second Frequently Asked Question, the Pulitzer Board describes the following important requirement for entries:⁹⁶

What does the Pulitzer Board mean when it says that “entries must adhere to the highest journalistic principles?”

The Board is committed to honoring work that exemplifies the longstanding ethics of the journalistic profession. These include a commitment to honesty with both readers and the subjects of our work. The best journalism is transparent about its sources and methods. The rigor and completeness of sourcing is an important factor in judging the quality of submissions, whether it involves attribution in the text, footnotes or the citation of documents. These standards apply to all entrants regardless of the medium or form of the entries.

This Particular New York Times Series Does Not Uphold Pulitzer Standards

Imagine reading an article about the importance of owning a gun. The article recounts a heart-rending story about a single dad who was awoken in middle of the night by the crashing sound of a home invasion, and then prevented the violent intruders from brutally harming his two teenage daughters by firing his trusty Smith and Wesson at the attackers in a nonlethal way.

Moved, you Google the named individual in the

story and learn that, in fact, the heroic home defender is the CEO of Smith and Wesson. This tidbit of information was entirely omitted from said story.

Now let’s imagine that six other individuals appeared in the article, each paired with a traumatic story wherein guns saved their life or that of a loved one, each expressing their strong feelings about the importance of gun ownership. But upon researching these featured storytellers you find that – one by one, and undisclosed in the article –the courageous heroes are employees of the NRA, Glock, Colt, and Gun Owners of America.

Would you, as a trusting reader, not feel deceived?

This is akin to what occurred in this New York Times series.

The New York Times employs poignant anecdotes as the primary buttresses for the articles. While this letter does not deny anyone’s lived experiences or opinions, transparent journalists have an obligation to reveal their sources’ identity and potential conflicts of interest.

The Times repeatedly fails to respect these important standards, thereby misrepresenting its work to the reader.

A. Elana Sigall

The caption in the New York Times from the article How Hasidic Schools Reaped a Windfall of Special Education Funding⁹⁷ only describes Ms. Sigall: “As

⁹⁶ 2023 Journalism Submission Guidelines, Requirements and FAQs. The Pulitzer Prizes. Retrieved March 31, 2023, from <https://www.pulitzer.org/page/2023-journalism-submission-guidelines-requirements-and-faqs#:~:text=What%20does%20the%20Pulitzer%20Board,the%20subjects%20of%20our%20work.>

⁹⁷ Rosenthal, B. M. (2022, December 29). How Hasidic schools reaped a windfall of Special Education Funding.

a top New York City official, Elana Sigall oversaw special education policy for children with disabilities.” The text of the article adds that she is “a former top city special education official, who now visits yeshivas as a consultant.”

A brief look at Ms. Sigall’s public LinkedIn profile reveals that she was a NYC Chief Policy Officer, Special Education Office, for just 2 years and 10 months over her 33-year career, from 2012-2014.⁹⁸

The Times was keen on describing Ms. Sigall’s employment in 2012-2014, but did not reveal that, for the past several years, Ms. Sigall has been employed as the Producer of the film *An Unorthodox Education*,⁹⁹ which presents a highly critical perspective of Orthodox Jewish education.

Ms. Sigall is also employed as a go-to expert witness in divorce cases where one parent wishes her child to receive an education with fewer hours of

religious instruction and more hours of secular instruction.¹⁰⁰

She also penned an affidavit supporting Beatrice Weber in her lawsuit against her son’s Orthodox Jewish school.¹⁰¹ Ms. Weber is the Executive Director of YAFFED,¹⁰² the primary advocacy group agitating for yeshiva and private school education to be brought in greater conformity with public school education.

For her part, Ms. Sigall describes herself as someone who “helps advise people who are choosing to leave the Ultra-Orthodox Jewish community and want to find new schools and educational opportunities for themselves and for their kids.”¹⁰³ (emphasis added)

To be clear, Ms. Sigall is entitled to oppose traditional Orthodox Jewish education; to produce films documenting what she views as these schools’ inadequacies; to seek employment as an expert witness

The New York Times. Retrieved March 29, 2023, from <https://www.nytimes.com/2022/12/29/nyregion/hasidic-orthodox-jewish-special-education.html>

⁹⁸ Elana Sigall - Educational consultant - self-employed | linkedin. (n.d.). Retrieved April 4, 2023, from <https://www.linkedin.com/in/elana-sigall-972b233a>

⁹⁹ Documentary film: *An unorthodox education*: New York. *An Unorthodox Education*. (n.d.). Retrieved March 31, 2023, from <https://www.anunorthodoxeducation.com/>

¹⁰⁰ All but acknowledged here: Sigall, E. (2022, September 18). How to solve the yeshiva problem: It’ll take much more than state regulations. *New York Daily News*. Retrieved March 29, 2023, from <https://www.nydailynews.com/opinion/ny-oped-how-to-solve-the-yeshiva-problem-20220918-w7gc6dpoibhcgxprh4dqnqii-story.html>

¹⁰¹ *Matter of weber v New York State Educ. dept.* Justia Law. (n.d.). Retrieved March 29, 2023, from <https://law.justia.com/cases/new-york/other-courts/2022/2022-ny-slip-op-22232.html>

¹⁰² Who we are. YAFFED. (2023, February 21). Retrieved March 31, 2023, from <https://yaffed.org/who-we-are/>

¹⁰³ PJFM in conversation: Joe Kolman & Elana Sigall, director & producer of *An unorthodox education*: Dr. Elliot Ratzman, chair in Jewish studies at Earlham College, interviews Joe Kolman and Elana Sigall, director and producer of *An unorthodox education*,...: By Philadelphia Jewish Film and Media. Facebook. (n.d.). Retrieved March 29, 2023, from <https://www.facebook.com/PhillyJFM/videos/pjfm-in-conversation-joe-kolman-elana-sigall-director-producer-of-an-unorthodox-/218240723655790/>

against traditional yeshiva education in the context of divorce cases; and to help religious individuals leave their religion, as she also does in the Netflix series *My Unorthodox Life*.¹⁰⁴ We have no doubt that Ms. Sigall is sincere in all these endeavors.

What the New York Times may not do, however, is cite Ms. Sigall solely “as a top New York City official, who oversaw special education policy for children with disabilities” without revealing the context of that (relatively brief) experience, and Ms. Sigall’s extensive financial and personal conflicts of interest on this issue.

Need the trusting reader go down a Googly rabbit hole to learn all this?

B. Beatrice Weber

Beatrice Weber’s name appears 38 times in the series of New York Times articles between September and December 2022. The Times pictured her four times. The Times also produced a nearly four-minute video of Ms. Weber, which feels like an advertorial, exclusively featuring Ms. Weber and her opinions.¹⁰⁵

Ms. Weber is the executive director of Young Advocates for Fair Education

(YAFFED), the organization principally behind attempts to encourage government coercion to align yeshiva education with that offered in public school.

The outsize coverage of one woman and advocacy group in reporting about a complex matter impacting hundreds of thousands seems odd. But “odd” devolves into entirely unacceptable when the Times does not identify Ms. Weber’s employer and her role in this issue. “These politicians should follow the courageous example of Beatrice Weber, a mother of 10 whose children attended Hasidic schools in New York,” exhorts the Editorial Board of the Times,¹⁰⁶ without further explanation or identification. The extended Times video simply portrays Ms. Weber as a divorced mom, with no mention of her position.

And in the article where the Times does identify Ms. Weber’s position, it informs the reader only after recounting her life story and many opinions – in highly sympathetic fashion – before incidentally referencing that Ms. Weber, is employed by, nay leads, YAFFED. Ms. Weber’s status as executive director of YAFFED is first identified in her 24th

¹⁰⁴ See Episode 9 of the Netflix series *My Unorthodox Life*. Ms. Sigall joins Julia Haart in touring a facility which Ms. Haart wishes to purchase to provide free housing and daycare for anyone “looking to leave an environment that is very fundamentalist.” Ms. Sigall adds how “One of the things we’ve seen in our work is that a lot of the people, even if they leave, or want something more, they want the community feeling.” Ms. Haart adds that they miss Shabbos, and so they need to recreate that feeling for people who want to leave Judaism. (Kolman, J. (2023, January 19). *My unorthodox life* - episode 9 excerpt. Vimeo. Retrieved March 29, 2023, from <https://vimeo.com/777326207/7a68a5861c>)

¹⁰⁵ Board, T. E. (2022, September 16). It is long past time to help New York’s Hasidic children. The New York Times. Retrieved March 31, 2023, from <https://www.nytimes.com/2022/09/16/opinion/hasidic-schools>

¹⁰⁶ Board, T. E. (2022, September 16). It is long past time to help New York’s Hasidic children. The New York Times. Retrieved March 31, 2023, from <https://www.nytimes.com/2022/09/16/opinion/hasidic-schools->

(of 26) appearance in the article which identifies her.¹⁰⁷

C. Shlomo Noskow

“Shlomo Noskow, 42, whose children remained in Hasidic schools after he got divorced, left the community and struggled to earn a medical degree.”^{108 109}

The article fails to identify that Dr. Noskow is one of the six Board Members of YAFFED.¹¹⁰

D. Chaim Fishman

“Chaim Fishman, 24, who attended Yeshiva Kehilath Yakov in Williamsburg, said that when he asked English teachers the meaning of words, they often said they did not know them.”¹¹¹

The article fails to state that Mr.

Fishman is one of nine Advisory Council members of YAFFED.

E. Footsteps

Footsteps describes itself as “the only organization in the United States” dedicated to assisting Orthodox Jewish individuals who choose to leave their faith.

The Footsteps mission statement:

“Footsteps supports and affirms individuals and families who have left, or are contemplating leaving, insular ultra-Orthodox Jewish communities in their quest to lead self-determined lives.”¹¹²

There is significant overlap and cross-pollination between YAFFED and Footsteps. The groups regularly sponsor, promote, and are panelists at each other’s events.^{113 114}

¹⁰⁷ Shapiro, E., & Markowitz, J. (2022, December 12). Why some Hasidic children can’t leave failing schools. The New York Times. Retrieved March 31, 2023, from <https://www.nytimes.com/2022/12/12/nyregion/hasidic-yeshivas-schools-divorce.html>

¹⁰⁸ Shapiro, E., & Rosenthal, B. M. (2022, September 11). In Hasidic enclaves, failing private schools flush with public money. The New York Times. Retrieved March 29, 2023, from <https://www.nytimes.com/2022/09/11/nyregion/hasidic-yeshivas-schools-new-york.html>

¹⁰⁹ Incidentally, that Dr. Noskow “struggled to earn a medical degree” is a less than convincing expression of educational hardship.

¹¹⁰ Who we are. YAFFED. (2023, February 21). Retrieved March 29, 2023, from <https://yaffed.org/who-we-are/>

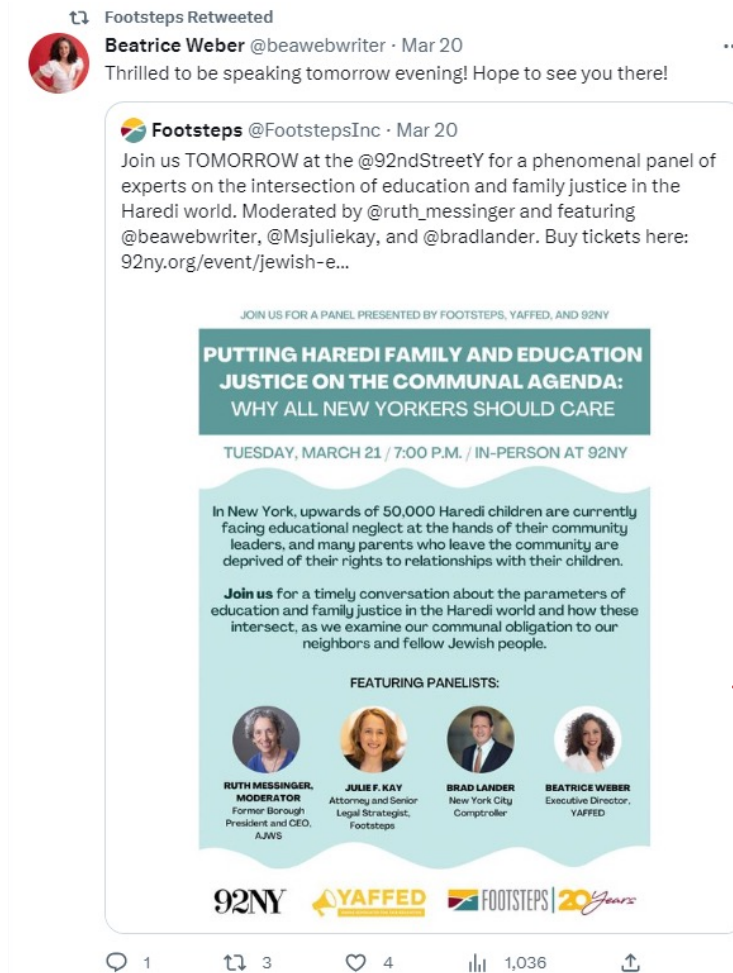
¹¹¹ Shapiro, E., & Rosenthal, B. M. (2022, September 11). In Hasidic enclaves, failing private schools flush with public money. The New York Times. Retrieved March 29, 2023, from <https://www.nytimes.com/2022/09/11/nyregion/hasidic-yeshivas-schools-new-york.html>

¹¹² About Us. Footsteps. (2020, October 27). Retrieved March 31, 2023, from <https://footstepsorg.org/about-us/>

¹¹³ Footsteps. (2016, April 7). Facebook. Retrieved April 3, 2023, from <https://www.facebook.com/footstepsorg/posts/yaffed-on-the-steps-of-city-hall-protesting-the-citys-slow-response-to-claims-th/1138334976206446/>

¹¹⁴ Let my people learn: Footsteps + YAFFED info session: Join footsteps and Yaffed for an info session about the new New York State proposed substantial equivalency regulations and how you can take action to... By footsteps. Facebook. (n.d.). Retrieved March 29, 2023, from <https://www.facebook.com/footstepsorg/videos/let-my-people-learn-footsteps-yaffed-info-session/1643549679377440/>

From an event on March 21, 2023.¹¹⁵



Malkie Schwartz, the founder of Footsteps, is one of six YAFFED Board members. Another YAFFED board member, Anita Altman, was responsible for the Rose Biller

scholarship program, which provided financial assistance to Footsteps ... members, for decades.¹¹⁶

In turn, Miriam Moster, wife of YAFFED founder Naftuli Moster, is a member of the Board of Directors of Footsteps.¹¹⁷

This is like interviewing Colt and NRA executives and board members in the aforementioned article against gun control without disclosing their affiliations.

Given the transparent mission of Footsteps, one would expect that when the New York Times interviewed numerous paid employees of Footsteps, it would identify them as such.

Julie F. Kay

“That has been a source of deep frustration for Julie F. Kay, an attorney whose legal project helps Hasidic people who leave the community fight for child custody.”¹¹⁸

The Times refers to Ms. Kay’s work as “her legal project.” In fact, Julie Kay is the Senior Legal Strategist for Footsteps,¹¹⁹ a point the Times fails to disclose.

Chani Getter

“Afraid of not being granted a religious divorce, known as a get, had

¹¹⁵ Twitter. (n.d.). Twitter. Retrieved March 29, 2023, from <https://twitter.com/FootstepsInc>

¹¹⁶ Who we are. Yaffed. (2023, February 21). Retrieved March 29, 2023, from <https://yaffed.org/who-we-are/>

¹¹⁷ Board of directors. Footsteps. (2022, October 24). Retrieved April 3, 2023, from <https://footstepsorg.org/board-of-directors/>

¹¹⁸ Shapiro, E., & Markowitz, J. (2022, December 12). Why some Hasidic children can’t leave failing schools. The New York Times. Retrieved March 29, 2023, from <https://www.nytimes.com/2022/12/12/nyregion/hasidic-yeshivas-schools-divorce.html>

¹¹⁹ Staff. Footsteps. (2023, March 23). Retrieved March 31, 2023, from <https://footstepsorg.org/team/>

Chani Getter signed an agreement in a Hasidic beth din in 2003 promising to keep their children in religious yeshivas.”¹²⁰

The Times fails to identify Mr. Getter as a listed employee of Footsteps, Scholar in Residence.¹²¹

Chavie Weisberger

“Chavie Weisberger was 25 and desperate to leave her unhappy marriage when she walked into a Hasidic beth din in a Borough Park living room in 2008.”¹²²

The Times fails to mention that Ms. Weisberger is the Director of Community Engagement for Footsteps, and that, according to her official description, “Chavie has been a Footsteps member since 2012, and a long-time supporter of the OTD¹²³ community.”¹²⁴

This list can go on.

A Distorted Sample

In addition to uncovering many interviewees with obvious, undisclosed professional and financial conflicts of interests, KnowUs found that nearly every individual the Times profiled in their review of Orthodox and Hasidic Jewish life, education, and divorce,

was among the small percentage of Orthodox Jews who have left their faith.¹²⁵

We are not invalidating the opinions of those who leave Orthodox Judaism. But these voices are hardly representative of the Orthodox Jewish community at large. Featuring the opinions of the disaffected exclusively guaranteed that readers would gain a limited perspective of the Orthodox Jewish community at best, and a wildly distorted one at worst.

It almost seems as though the Times’ writers simply ran through the employees, directors, and distribution lists of an advocacy group that opposes traditional Orthodox Jewish education (YAFFED), and the only group in America that assists people in leaving Orthodox Judaism (Footsteps), and somehow felt that qualifies as evenhanded research.

Many Roads Not Traveled

Even more puzzling is that there were many sources that a fair-minded reporter could have tapped into to better understand and represent the Orthodox Jewish community.

The New York Times created a portal after the first article was released, soliciting individuals to “Share Your Stories About Education in Orthodox and Hasidic Schools”¹²⁶

¹²⁰ Shapiro, E., & Markowitz, J. (2022, December 12). Why some Hasidic children can’t leave failing schools. The New York Times. Retrieved March 31, 2023, from <https://www.nytimes.com/2022/12/12/nyregion/hasidic-yeshivas-schools-divorce.html>

¹²¹ Staff. Footsteps. (2023, March 23). Retrieved March 31, 2023, from <https://footstepsorg.org/team/>

¹²² Shapiro, E., & Markowitz, J. (2022, December 12). Why some Hasidic children can’t leave failing schools. The New York Times. Retrieved March 29, 2023, from <https://www.nytimes.com/2022/12/12/nyregion/hasidic-yeshivas-schools-divorce.html>

¹²³ “OTD” stands for “off the derech (path),” a description of those who have chosen to leave Orthodox Judaism.

¹²⁴ Staff. Footsteps. (2023, March 23). Retrieved March 31, 2023, from <https://footstepsorg.org/team/>

¹²⁵ Ari Hershkowitz, Moishy Klein, Shlomo Noskow, Hilly Rubin, Chaim Fishman, Joseph Kraus, Mendy Pape, etc.

¹²⁶ The New York Times. (2022, September 11). Share your stories about education in Orthodox and Hasidic

This could have been a helpful step. But Agudath Israel received numerous emails from people who were frustrated because they shared their life-stories in the NYT portal but were never featured or even contacted.¹²⁷ Was this because their stories did not align with a certain narrative? Indeed, the authors clearly stated that they had been working on this story since 2019, borne of an effort to substantiate the response to YAFFED's formal complaint.¹²⁸

Moreover, the first, and most significant, article was published before the portal was even created. Subsequent articles generally repeat or expand on the angle established in the first article. In other words, the authors had labored for years crafting a certain, limited perspective. How could they backtrack when a public portal returned different viewpoints?

Indeed, the one time the Times solicited feedback from yeshiva graduates about their education on Twitter, the responses were overwhelmingly positive.¹²⁹ It is informative to review what is perhaps the only transparent and public-facing compilation of responses to the Times, yet the Times chose to bury all of these stories.

Some responses:

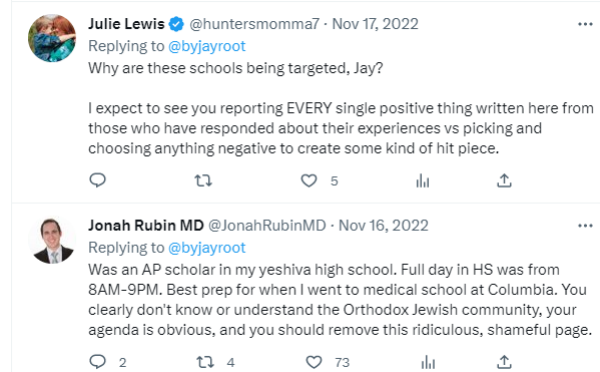


schools. The New York Times. Retrieved March 31, 2023, from <https://www.nytimes.com/2022/09/11/reader-center/new-york-hasidic-schools-experience.html>

¹²⁷ We would share these emails and sources upon request.

¹²⁸ Ordway, D.-M. (2023, March 15). How they did it: New York Times reporters show hasidic schools denied students a basic education. The Journalist's Resource. Retrieved March 31, 2023, from <https://journalistsresource.org/education/hasidic-religious-private-schools-goldsmith-how-they-did-it/>

¹²⁹ Root, J. (2022, November 14). Please help us report on education in #NY's Hasidic community & other Orthodox Jewish communities, including in Rockland County and Kiryas Joel. share your experience here: <https://t.co/z52jzvt39k>. Twitter. Retrieved March 31, 2023, from <https://twitter.com/byjayroot/status/1592229533075505152>



A. Did the NYT Miss 350,000 Orthodox Jews?

Nestled amongst the sins of commission in the articles is a salient sin of omission. Namely, one of the most pivotal issues in every passage, or attempted passage, of Regulations by the State Education Department regarding nonpublic schools has been navigating the required public comment period. Yet the Times pays no attention to this critical factor in its many articles on the subject.

A New York State Supreme Court Justice declared the New York State Education Department's (SED) first attempt at regulating nonpublic schools "null and void" on April 17th, 2019, precisely because SED failed to publish them as Regulations and hold a public comment period.¹³⁰

When SED then followed procedures and commenced a public comment period on its proposed Regulations in the summer of 2019, comments streamed in, breaking all records in New York State history. 140,000 public comments were sent to SED, the overwhelming majority of

¹³⁰ 2019-04-17 (4) - courthousenews.com. (n.d.). Retrieved March 31, 2023, from <https://www.courthousenews.com/wp-content/uploads/2019/04/Yeshivas.pdf>

which opposed the Regulations. Following this comment period, the Board of Regents directed staff to engage stakeholders and revise the Regulations.

When the issue reemerged in 2022 with revised proposed Regulations, 350,000 comments were submitted to SED. Per SED, “the vast majority of comments expressed philosophical opposition to State regulation of non-public schools.”¹³¹

In crafting a narrative about the sentiment of parents and children about Orthodox Jewish education and their desire for state-enforced change, it is a glaring omission not to include that hundreds of thousands of individuals wrote in to express their displeasure with state interference, twice, and few conveyed approval.

One reaches a contrary conclusion when reading only the anecdotes the Times recounts and would be utterly unaware of the history of the two public comment periods. Moreover, this point begs the question: if hundreds of thousands of Orthodox Jews wrote to SED to express their satisfaction with their children’s

education, and in opposition to the state changing this paradigm, could the Times not find one such individual to interview and include in one of their 17 stories on the topic?¹³²

B. Falsely Claiming Credit for Real World Impacts

Another serious breach of journalistic ethics involves the Times claiming or implying that its reporting on this issue resulted in the introduction of new legislative proposals, legal outcomes, or the passage of Regulations.

C. Claiming Credit for Corporal Punishment Legislation

Shortly after the Times wrote that “New York State lawmakers have introduced several bills that would ban corporal punishment in private schools after The New York Times reported that students in some Hasidic Jewish religious schools have been regularly hit, slapped or kicked by their instructors,”¹³³ the Sponsor of the main bill described, Senator Julia Salazar, took to Twitter to publicly correct the record:¹³⁴

¹³¹ Proposed Addition of Part 130 of the Regulations of the Commissioner of Education Relating to Substantially Equivalent Instruction for Nonpublic School Students, September 1, 2022, page 10.

¹³² This is in addition to the obvious point that nonpublic school parents typically pay anywhere from \$5,000 to \$20,000 tuition per year per child. It is also not uncommon for Orthodox Jewish families to be large. Parents may work two or three jobs to make this happen. Clearly, parents make the very tangibly difficult decision to send their children to Orthodox Jewish schools because it is critically important to them that they receive the upbringing and education that they do.

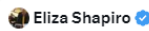
¹³³ Rosenthal, B. M., & Shapiro, E. (2023, March 2). Ban corporal punishment in private schools, New York lawmakers say. The New York Times. Retrieved April 2, 2023, from <https://www.nytimes.com/2023/03/02/nyregion/hasidic-schools-ny-lawmakers-corporal-punishment.html>

¹³⁴ Salazar, J. (2023, March 2). To be clear: We introduced this bill because the law should *explicitly* ban corporal punishment in all schools. the use of physical or violent methods to ostensibly discipline students has



Julia Salazar
@JuliaCarmel_

To be clear: We introduced this bill because the law should "explicitly" ban corporal punishment in all schools. The use of physical or violent methods to ostensibly discipline students has happened in many schools. I haven't seen any evidence of it being a pattern in yeshivas.



Eliza Shapiro
@elizashapiro · Mar 2

New York is poised to ban corporal punishment in private schools, following a New York Times investigation on Hasidic boys schools
nytimes.com/2023/03/02/nyr...

10:07 AM · Mar 2, 2023 · 192.6K Views

69 Retweets 29 Quotes 432 Likes 16 Bookmarks

This unusual step taken by a sitting New York State Senator of openly clarifying her legislative intent in this forum, and negating the intent professed by the Times, was then publicly seconded by her Co-Sponsor on the bill, Senator Andrew Gounardes.¹³⁵

Falsely Implying Credit for a Host of Changes

The Times has implied that its coverage has resulted in numerous changes, including: the New York State Board of Regents passage of substantial equivalency Regulations; the state commissioner of education, Betty Rosa, ruling that a Hasidic boys' school in Brooklyn did not provide a sufficient secular education; New York City officials halting financial relations with 20 companies that provide education services; and a private Hasidic school in the state

agreeing to pay fines.

In an interview with the writers, it is claimed that "The series has had widespread impacts, some of them immediate." The article then proceeds to list the accomplishments above.¹³⁶

It is a matter of public record that the SED has been attempting to pass Regulations since 2018, originating from a YAFFED complaint issued in 2015. That the Regulations passed on September 12th, 2022 only as the result of an article published a day earlier, strains credibility. Did the Times deliberately choose to publish its article the day before the Regents were scheduled to vote on the new Regulations because it knew that the Regents were about to approve the Regulations, and the Times wanted to later imply that its reporting was the reason for the Regents vote?

In addition, as the Department of Justice public statement on the topic makes clear, the education entities that were barred from doing business with New York City were indicted for their alleged schemes involving government-funded childcare programs for low-income families and after-school programs.¹³⁷ It is unclear how this story or indictment

happened in many schools. I haven't seen any evidence of it being a pattern in yeshivas. <https://t.co/tpjk3kbg1a>. Twitter. Retrieved March 31, 2023, from https://twitter.com/JuliaCarmel_/status/1631310172357312518

¹³⁵ Gounardes, A. (2023, March 2). is why I co-sponsor sen. Salazar's Bill. our laws should not tolerate or accept corporal punishment in any school, period. <https://t.co/vtyygstllt>. Twitter. Retrieved March 31, 2023, from <https://twitter.com/agounardes/status/1631338464502317057>

¹³⁶ Ordway, D.-M. (2023, March 15). How they did it: New York Times reporters show hasidic schools denied students a basic education. The Journalist's Resource. Retrieved March 31, 2023, from <https://journalistsresource.org/education/hasidic-religious-private-schools-goldsmith-how-they-did-it/>

¹³⁷ Five defendants arrested for stealing millions from government-funded childcare programs for low income families. The United States Department of Justice. (2023, January 11). Retrieved March 31, 2023, from <https://www.>

resulted from the Times' various articles on test scores, corporal punishment, or Jewish divorce.

The fines paid by a private Hasidic school were for issues going back to 2010, and the case had been pending for years. There is no indication that the fines were assessed because of any of the issues reported by the Times.

The only thing that can be accurately said about any of these developments is that they occurred after the Times coverage. Assuming a causative relationship for things which occur after something else occurs is fallacious, and in many cases, untenable, based on the timeline.

generations of children have been systematically denied a basic education, trapping many of them in a cycle of joblessness and dependency.

Segregated by gender, the Hasidic system fails most starkly in its more than 100 schools for boys. Spread across Brooklyn and the lower Hudson Valley, the schools turn out thousands of students each year who are unprepared to navigate the outside world, helping to push poverty rates in Hasidic neighborhoods to some of the highest in New York.¹³⁸

Presenting Misleading Data

In addition to its heavy reliance on anecdotes, sourced from parties with significant conflicts of interest, another central pillar of the New York Times series is adducing seemingly compelling data which is actually faulty or lacking context.

A. Poverty Data

A key argument is that substandard Hasidic education has resulted in joblessness and poverty.

In the Times' words:

The result, a New York Times investigation has found, is that

This is highly misleading.

Below are the 2022 federal poverty guidelines.¹³⁹

2022 Federal Poverty Guidelines				
Household Size	100%	130%	185%	400%
1	\$13,590	\$17,667	\$25,142	\$54,360
2	\$18,310	\$23,803	\$33,874	\$73,240
3	\$23,030	\$29,939	\$42,606	\$92,120
4	\$27,750	\$36,075	\$51,338	\$111,000
5	\$32,470	\$42,211	\$60,070	\$129,880
6	\$37,190	\$48,347	\$68,802	\$148,760
7	\$41,910	\$54,483	\$77,534	\$167,640
8	\$46,630	\$60,619	\$86,266	\$186,520
9	\$51,350	\$66,755	\$94,998	\$205,400
10	\$56,070	\$72,891	\$103,730	\$224,280

justice.gov/usao-sdny/pr/five-defendants-arrested-stealing-millions-government-funded-childcare-programs-low

¹³⁸ Shapiro, E., & Rosenthal, B. M. (2022, September 11). In Hasidic enclaves, failing private schools flush with public money. The New York Times. Retrieved April 2, 2023, from <https://www.nytimes.com/2022/09/11/nyregion/hasidic-yeshivas-schools-new-york.html>

¹³⁹ 2022 poverty guidelines: 48 Contiguous States (all states except ... - aspe. (n.d.). Retrieved March 31, 2023, from <https://aspe.hhs.gov/sites/default/files/documents/4b515876c4674466423975826ac57583/Guidelines-2022.pdf>

Poverty guidelines are dependent on family size. Hasidic communities tend to have larger families – seven or more children in a family is not uncommon. Certain antipoverty programs are available to individuals earning below 400% of the federal poverty guidelines. Thus, a typical Hasidic family with seven children would be eligible for certain programs if their income was below \$205,400. Would anyone argue that, objectively, a family earning up to \$205,400 is poorly performing?!

There are other serious flaws with using poverty rates as a measure of financial success for an individual. Poverty rates are determined by family income, not individual income. In a family with many children, at least one spouse is less likely to work full time. That does not mean that the spouse that does work is earning less money.

Moreover, poverty rates do not account for the age of the earner. Hasidic families tend to skew younger, when individuals are typically at a lower earning capacity. This itself substantially biases results, as examined in detail in the Wall Street Journal.¹⁴⁰

B. Actual Income

Is other data available that more accurately depicts the income of Orthodox and Hasidic Jews the Times could have utilized?

Here is a snapshot from the 2021 Pew Research Study:¹⁴¹

Half of Jews live in households earning at least \$100,000

% of U.S. Jews with a family income of ...

	Less than \$30,000	\$30K-\$49,999	\$50K-\$99,999	\$100K-\$149,999	\$150K-\$199,999	\$200,000 or more
Orthodox	12	14	35	17	6	16
Conservative	8	11	28	15	11	27
Reform	6	10	22	19	16	26
U.S. adults	26	22	32	11	4	4
Protestant	29	21	32	11	4	3
Catholic	21	22	35	12	5	4
Unaffiliated	27	24	29	10	4	5

While these metrics do not control if both spouses are employed or for the age of the earner (flaws discussed), this study measured actual income, not income relative to family size (addressing the first flaw).

As is clear, 22% of Orthodox Jewish households earned more than \$150,000, compared to 8% of the general public, and 26% of Orthodox households earned less than \$50,000, compared to 48% of the general public.¹⁴²

To drill down to the Hasidic sector of Orthodoxy, see the below from the December 2021 Nishma Research

¹⁴⁰ Gestetner, Yossi (2019, December 11). Opinion | dubious stats fuel attack on Jewish schools. The Wall Street Journal. Retrieved March 31, 2023, from <https://www.wsj.com/articles/dubious-stats-fuel-attack-on-jewish-schools-11576107404>

¹⁴¹ Mitchell, T. (2022, October 6). 11. economics and well-being among U.S. jews. Pew Research Center's Religion & Public Life Project. Retrieved March 31, 2023, from <https://www.pewresearch.org/religion/2021/05/11/economics-and-well-being-among-u-s-jews/>

¹⁴² See also Jason Bedrick and Jay P. Greene's excellent treatment of the NYT article here: Jason Bedrick and Jay P. Greene. (2022, September 17). The New York Times's botched attack on Jewish schools. Washington Examiner. Retrieved March 31, 2023, from <https://www.washingtonexaminer.com/opinion/the-new-york-times-botched-attack-on-jewish-schools>

study.^{143 144}

	M.O.	Hasidic	Yeshivish
INCOME AND SAVINGS:			
• Median Household Income	\$188K	\$102K	\$164K

While Hasidic families did not earn quite as much as their Modern Orthodox and Yeshivish Orthodox Jewish brethren, Hasidic families earned a median household income of \$102,000, far better than the median U.S income of \$70,784.

In an amicus curiae brief submitted in opposition to YAFFED's (unsuccessful) lawsuit, YAFFED v. Andrew Cuomo, Betty Rosa et al, Dr. Awi Federgruen mathematically analyzed several of YAFFED's claims surrounding income and funding, now being repurposed and repeated by the New York Times.

Dr. Federgruen is the Charles E. Exley Professor and Chair of the Decision Risk and Operation Division of the Graduate School of Business of Columbia University.¹⁴⁵

His conclusions, from his sworn, legal Declaration were:

However, even to the extent that income distributions are used as a proxy for the adequacy of educational systems, it is absolute income levels that should be considered, rather than how these levels compare with

federally specified poverty levels. The latter increase rapidly with household sizes, and, as stated repeatedly in the YAFFED report, itself, household sizes are very large in the Hasidic community...

The US Census Bureau reports on income distributions in the 59 Community Board Districts in New York City. Its source is the 2010-2014 American Community Survey 5-Year Estimates > People > Income & Earnings: income/Earnings.

What this data demonstrates is that the Williamsburg and Borough Park Districts — where the vast majority of New York City Hasidic families reside — rank in the top or second quartile of the 59 districts, respectively. More specifically, Williamsburg has the 14th largest percentage of males with an annual income in excess of \$100,000, and Borough Park has the 27th largest in this ranking.

The two districts assume very similar positions when ranking the districts by the percentage of males with an annual income in excess of \$ 50,000. The percentages are computed with respect to the total population of

¹⁴³ The finances of Orthodox Jewish Life: A nishma research study. (n.d.). Retrieved March 31, 2023, from <http://nishmaresearch.com/assets/pdf/REPORT%20-%20Nishma%20Research%20-%20The%20Finances%20of%20Orthodox%20Jewish%20Life%20Dec%202021.pdf>

¹⁴⁴ While the Nishma Research study did not control for geography, in the United States, Hasidic Jews live overwhelmingly in New York.

¹⁴⁵ School, C. B. (2022, January 26). Awi Federgruen. Columbia Business School Directory. Retrieved March 31, 2023, from <https://www8.gsb.columbia.edu/cbs-directory/detail/af7#biography>

males, 18 years or older.

To summarize my conclusion: the income distributions in Williamsburg and Borough Park, far from signaling inadequate educational preparation, compare favorably with the majority of New York City community board districts.

What emerges from all of this is that multiple reputable data sources demonstrate that Hasidic Jews are stalwart breadwinners with higher incomes than the general population by any evenhanded measure other than the wildly misleading metric the NYT selected.

Misunderstanding or Misrepresenting Basic Educational Funding Elements

Several articles evidence a lack of understanding of how education is funded in New York.

For example, the premise of the article entitled *How Hasidic Schools Reaped a Windfall of Special Education Funding* is the assertion that, due to changes to special education reimbursement made by Mayor Bill de Blasio, as lobbied for by Orthodox Jewish groups, mainstream Orthodox Jewish schools or service companies have received a surfeit of special education funding.

To wit, the opening paragraphs of the article:

Less than a decade ago, New York City drastically changed the way it provided special education to thousands of children with disabilities.

State law requires cities to deliver those services to students in private schools, even if the government has to pay outside companies to do it. But for years, when parents asked, New York City officials resisted and called many of the requests unnecessary.

In 2014, Mayor Bill de Blasio changed course. Responding to complaints, especially from Orthodox Jewish organizations, he ordered the city to start fast-tracking approvals.

The policy has made it easier for some children with disabilities to get specialized instruction, therapy and counseling. But in Orthodox Jewish religious schools, particularly in parts of the Hasidic community, the shift has also led to a windfall of government money for services that are sometimes not needed, or even provided, an examination by The New York Times has found.¹⁴⁶

There is just one problem with this logical leap: the change to special education reimbursement made by Mayor de Blasio in 2014 had nothing to do with the receipt of funding in the schools the article discusses.

In fact, as described by Mayor de Blasio¹⁴⁷ and

¹⁴⁶ Rosenthal, B. M. (2022, December 29). *How Hasidic schools reaped a windfall of Special Education Funding*. The New York Times. Retrieved March 31, 2023, from <https://www.nytimes.com/2022/12/29/nyregion/hasidic-orthodox-jewish-special-education.html>

¹⁴⁷ Mayor de Blasio and speaker Silver announce new steps to help families of students with disabilities. The official website of the City of New York. (2014, June 24). Retrieved March 31, 2023, from <https://www.nyc.gov/office-of-the-mayor/news/306-14/mayor-de-blasio-speaker-silver-new-steps-help-families-students-disabilities/>

as reported by the New York Times in 2014,¹⁴⁸¹⁴⁹ the Mayor changed the process for parents to receive reimbursement for their child, if the child was deemed requiring placement in a dedicated special education school.

All the incidents, studies, and schools cited in the lengthy 2022 Times article relate to supplemental services received in a general education setting, not reimbursement to a parent for a special education school tuition.

This is not a minor error.

Negative Association Fallacy and Group Blame

The Times engages in the particularly ugly tactic of negative association fallacy and group blame in several articles.

For example, when one Martin Handler was arrested for alleged fraudulent activity regarding his after-school programming for private schools in New York City, somehow all of Orthodox Jewish education was on trial throughout the Times' three articles on the topic.¹⁵⁰ The story became not what Martin Handler, the individual, was accused of doing, but that some of his clients were Orthodox Jewish families, which somehow careened into a discussion reiterating how poor Orthodox Jewish education is for tens of thousands.

This connection is illogical, irrelevant, and offensive. Illogical because Orthodox Jews comprise 47% of New York City's private

school population, so it is unsurprising that a NYC based service provider for private school parents would include Orthodox Jews.

Irrelevant because the Times makes no allegations that Mr. Handler's clients had anything to do with Mr. Handler's activities or were involved in any wrongdoing. Rather than sympathizing with the Jewish families who never received the services Mr. Handler promised them, the Times, instead, victim-shames them, and somehow uses the opportunity to self-promote its previous coverage decrying Orthodox Jewish education.

But this entire line of reasoning is also terribly offensive. Even if the Times somehow found a way to tie Mr. Handler's schemes to a Hasidic Jew or a yeshiva (it didn't), would this make all yeshivas or Hasidic Jews immoral? Imputing condemnation to an entire people or system following the alleged misdeeds of one is the height of stereotyping and group blame.

No one would accept casting a wide net of culpability based on the misdeeds of individuals on an entire ethnicity, color, creed, or gender, in any other context. This practice should be equally unacceptable when perpetrated against Orthodox Jews.

Conclusion

Thank you for reading this letter to its conclusion.

¹⁴⁸ Baker, A. (2014, June 25). De Blasio offers easier access to city money for special education. The New York Times. Retrieved March 31, 2023, from <https://www.nytimes.com/2014/06/25/nyregion/de-blasio-offers-easier-access-to-city-money-for-special-education.html>

¹⁴⁹ Note that the photograph used by the Times on December 29, 2022 of the press conference held by Mayor de Blasio is identical to the one used in the June 24, 2014 article describing it.

¹⁵⁰ The articles are:

- 1/11/23: "Education Firms Charged With Stealing \$2.8 Million in Child Care Funds" Brian M. Rosenthal, Eliza Shapiro and Benjamin Weiser
- 2/2/23: "Education Firms That Serve Hasidic Schools Are Barred Amid Fraud Inquiry" Eliza Shapiro & Brian M. Rosenthal
- 2/3/23: "New York Blocks Payments to 20 Firms That Serve Hasidic Schools" James Barron

Orthodox Jews worldwide were shocked, offended, and confused by the coverage found in these articles, as though looking at a funhouse mirror that bizarrely resembles you, yet is but a cartoonishly distorted facsimile.

We urge this distinguished Board to review the contents of this letter and Appendix carefully.

The New York Times

Hasidic Schools Seize on Special Ed Windfall

A New York Times Article Deconstructed

On December 29, 2022, the New York Times published an article¹⁵¹ by Brian M. Rosenthal titled, “Hasidic Schools Seize on Special Ed Windfall.”¹⁵² The article made many claims about education for children with disabilities, regarding funding, services provided, and more, and insinuates that Orthodox Jewish and Hasidic children with special needs do not deserve to receive services. The article was generously illustrated with

photos of visibly Orthodox and Hasidic Jews. In the article, Rosenthal, fundamentally misunderstands how special education services are provided in New York City. KnowUs is pleased to correct the dozens of errors Rosenthal and the New York Times make.

The entire article is reproduced in this section, with a running commentary on the errors – highlighted in red text in the article.

151 <https://www.nytimes.com/2022/12/29/nyregion/hasidic-orthodox-jewish-special-education.html>
In addition to Rosenthal, “Reporting was contributed by Alex Lemonides, Marcela Rodrigues, Eliza Shapiro and Jay Root. Susan C. Beachy and Julie Tate contributed research.”

152 The online version of the article is titled “How Hasidic Schools Reaped a Windfall of Special Education Funding.”

Less than a decade ago, New York City drastically changed the way it provided special education to thousands of children with disabilities. State law requires cities to deliver those services to students in private schools, even if the government has to pay outside companies to do it. But for years, when parents asked, New York City officials resisted and called many of the requests unnecessary.

In 2014, Mayor Bill de Blasio changed course. Responding to complaints, especially from Orthodox Jewish organizations, he ordered the city to start fast-tracking approvals.

The policy has made it easier for some children with disabilities to get specialized instruction, therapy and counseling. But in Orthodox Jewish religious schools, particularly in parts of the Hasidic community, the shift has also led to a windfall of government money for services that are sometimes not needed, or even provided, an examination by The New York Times has found.

But in Orthodox Jewish religious schools, particularly in parts of the Hasidic community, the shift has also led to a windfall of government money for services that are sometimes not needed, or even provided, an examination by The New York Times has found.

The policy has made it easier for some children with disabilities to get specialized instruction, therapy and counseling.

This is a deliberately misleading point. In 2014, New York City Mayor Bill de Blasio introduced policy changes aimed at addressing the educational needs of children with special needs who attend special education programs (e.g. Rebecca School) outside of public schools. However, contrary to what the NYT report suggests, these changes did not apply to children receiving services in mainstream yeshiva programs. The changes specifically targeted children whose special education needs could not be met in their local district school.

Despite the well-intentioned efforts of the Mayor, sources within the special education community, (see the ongoing AFC lawsuit,) indicate that these changes have not fully been realized. The process for special placements remains contentious and plagued by litigation, leaving many children with special needs without the support they require.¹⁵³

Contrary to what the article claims, students in New York City cannot access educational services without a thorough and comprehensive evaluation by a qualified professional, typically provided by the NYC Department of Education. These evaluations lead to the development of an Individualized Education Plan (IEP), which is then reviewed and approved by the NYC Committee on Special Education (CSE). Services are provided based on the hours approved by the DOE.

It is important to note that none of the funds allocated for these services go to yeshivas, and they are not permitted to provide services that are not needed or not provided. The process is highly regulated and objective, with a thorough review and auditing process in place to ensure that all students receive the support they need. Therefore, it is inaccurate to suggest that Hasidic schools receive a “windfall of government money” or that they provide services that are not needed or not provided.¹⁵⁴

¹⁵³ For further information on the 2014 policy changes, see: <https://www.nyc.gov/office-of-the-mayor/news/306-14/mayor-de-blasio-speaker-silver-new-steps-help-families-students-disabilities#/o>

¹⁵⁴ For more information on the process, see <https://www.schools.nyc.gov/learning/special-education/the-iep-process/evaluation> and [https://www.schools.nyc.gov/learning/special-](https://www.schools.nyc.gov/learning/special-education/the-iep-process/evaluation)

More than half of legal requests for aid last school year (as of March 14) came from areas with large Hasidic and Orthodox populations.

This is one of many examples where this article uses statistics in a misleading manner. According to government data, there were 241,558 students enrolled in non-public schools in New York City during the 2021-2022 school year. Of these students, 113,590, or 47%, were enrolled in Jewish schools. Given that half of the student population in non-public schools are in Jewish schools, it is logical that approximately half of the requests for services would come from areas with large Jewish populations.¹⁵⁵

Mayor Bill de Blasio announced a deal to help families obtain private special education at public expense.

The very premise of this point is false. As mentioned above, (1) the proposed changes related only to students in self-contained special education placement outside the yeshiva system. They did not change the way mainstream yeshiva students receive services. (2) The discussion is moot since these changes were not fully implemented.¹⁵⁶

At least two schools have sent out mass emails urging families to apply for aid.

The Individuals with Disabilities Education Act

A flood of requests for special education in Orthodox religious schools:

In 2014, New York made it easier for private school students to receive city-funded special education. **More than half of legal requests for aid last school year (as of March 14) came from areas with large Hasidic and Orthodox populations.**

Mayor Bill de Blasio announced a deal to help families obtain private special education at public expense.

Dozens of schools in the Orthodox community have pushed parents to get their children diagnosed with disabilities, records and interviews show. **At least two schools have sent out mass emails urging families to apply for aid. A third school** provided parents with a sample prescription to give their children's doctors, **saying a diagnosis would bring more resources for the school.**

(IDEA) requires school districts to identify, locate, and evaluate every child who may have a disability requiring special education services through a process known as Child Find. The New York State Education Department (NYSED) has emphasized the importance of this process, stating that "it is therefore crucially important for schools and early childhood programs to support the social, emotional, academic, and behavioral needs of children with disabilities; consider the harmful effects that inappropriate and ineffective discipline can have on child development and outcomes; and invest in alternative strategies and supports to address learning and behavioral needs."

The New York Times seems to suggest that these Child Find requirements should not apply to Hasidic children and implies that schools that want to help their students are committing fraud. This is a misrepresentation of the facts and the importance of providing support and appropriate services to children with

education/the-iep-process/iep-meeting.

¹⁵⁵ For more information, see <https://www.p12.nysed.gov/irs/statistics/nonpublic/>.

¹⁵⁶ For more information, see <https://www.nyc.gov/office-of-the-mayor/news/306-14/mayor-de-blasio-speaker-silver-new-steps-help-families-students-disabilities#/o>

disabilities, regardless of their background.¹⁵⁷

A third school...

The suggestion that any school would engage in such behavior is not only unsubstantiated, but also highly dubious. It is noteworthy that throughout the article, the New York Times consistently names specific schools and individuals. If there were any validity to these allegations, it would have been simple for the publication to name the school in question. The failure to do so raises significant doubts about the credibility of these claims.

... saying a diagnosis would bring more resources for the school.

It is important to note that payments for special education services are directed to the service provider, not the school. In fact, many yeshivas absorb the cost of hosting special education services as part of their commitment to educating all students according to their individual needs. This is a crucial point that should be made clear in any discussion of funding for special education services in yeshivas.¹⁵⁸¹⁵⁹

¹⁵⁷ For more information, see <https://sites.ed.gov/idea/regs/b/b/300.111> and <https://sites.ed.gov/idea/files/guide-positive-proactive-approaches-to-supporting-children-with-disabilities.pdf>.

¹⁵⁸ <https://infohub.nyced.org/working-with-the-doe/special-education-providers/related-services-providers>

¹⁵⁹ <https://www.finance360.org/vendor/vendorportal/>

Today, at Hasidic and Orthodox schools, which are called yeshivas, higher percentages of students are classified as needing special education than at other public and private schools in New York City, a Times analysis of government data found. In the fervently religious Hasidic community, where Yiddish is the dominant language, schools focus on teaching Jewish law and prayer, while often providing little secular education in English. **The Times found that at 25 of the city's approximately 160 Hasidic yeshivas, more than half of the students are classified as needing special education. Records show the classifications are routinely justified by citing the students' struggles with English.**

Across all city schools, one in five students is classified as having a disability. There is little research into whether disabilities occur more frequently in the Hasidic community than in others.

The Times found that at 25 of the city's approximately 160 Hasidic yeshivas, more than half of the students are classified as needing special education. Records show the classifications are routinely justified by citing the students' struggles with English.

Our own research indicates that the claim made in the article regarding the proportion of Hasidic children receiving special education services is not consistent with the facts. According to a NYC DOE official we spoke to, the percentage of Hasidic children receiving special education services is closer to 15%, which is lower than the city-wide average of 18%. Furthermore, we have obtained correspondence between the New York Times and one of the schools mentioned in the article, in which the school clearly provided

actual data that proved the NYT's numbers were inaccurate. Despite being presented with this information, the New York Times chose to publish the article without verifying the accuracy of their numbers and without addressing the presented discrepancy. This raises serious concerns about the credibility of the information presented in the article and the editorial process at the New York Times.¹⁶⁰

¹⁶⁰ See <https://www.specialedlegalinfo.com/a-profile-of-special-education-in-new-york-by-the-numbers/#:~:text=New%20York%20Numbers,New%20York%20City%20it's%2018%25>.

With money more easily available, entrepreneurs with few qualifications have made millions providing services in yeshivas. More than two dozen different companies have opened in the past eight years, records show. Some of them now bill more than \$200 an hour per student — five times the government's standard rate — for what is essentially tutoring.

With money more easily available, entrepreneurs with few qualifications have made millions providing services in yeshivas.

The question arises as to whether the entrepreneurs providing special education services are qualified to do so. It is clear that they are not providing the services themselves. Therefore, it is unclear what qualifications the New York Times is suggesting they should possess. It is important to note that the providers of these services must be qualified and meet the necessary standards for providing special education services, which they do, as we will address in further detail. Saying a diagnosis would bring more resources for the school.

More than two dozen different companies have opened in the past eight years, records show.

It is crucial to keep in mind that correlation does not equal causation. As previously mentioned, Mayor de Blasio's proposal did not impact funding for providers servicing

students in general education private schools. Therefore, it would be misleading to attribute the opening of these providers to this proposal. Note that in all other cases, the New York Times is diligent in avoiding hasty conclusions based on correlation alone. It is imperative that this same level of care and caution be applied when reporting on the Hasidic community and their institutions.¹⁶¹

Some of them now bill more than \$200 an hour per student — five times the government's standard rate

The article references "enhanced rates" for special education providers in a misleading manner. The current "standard rate" for services is \$41.98 per hour, which has remained unchanged for the last two decades. This rate is considered insufficient for many qualified providers with a Masters degree in special education. However, when parents are unable to secure a provider at the standard rate, the Department of Education (DOE) must pay for a provider at an enhanced rate. We applaud NYC for allowing enhanced rates to ensure that all children receive the education they deserve.

It's important to note that this process is tightly controlled by the DOE and not a free-for-all. Providers must submit a voucher known as a "provider affidavit form" before being approved for services, and must then submit detailed invoices to the DOE for review and approval. Industry insiders report that while specialized services may bill up to \$200, rates above \$200 are extremely rare. For more information, see the NYC Special

¹⁶¹ For more information, see <https://www.nyc.gov/office-of-the-mayor/news/306-14/mayor-de-blasio-speaker-silver-new-steps-help-families-students-disabilities#/0>.

Education Operating Procedures Manual.

...for what is essentially tutoring.

The use of the term "tutoring" throughout this article to refer to special education services is not only inaccurate but also a disservice to the thousands of highly trained special education professionals who provide these services. The author of the article, who has been recognized with a Pulitzer prize for their advocacy of special education services in Texas, should be fully aware of the gravity and importance of special education services, and the hard work and dedication of professionals who provide

them. Referring to these services as "tutoring" is not only an insult to these professionals, but also diminishes the significance of the work they do for children with special needs. It is deeply concerning that such a respected journalist would resort to such misleading and dismissive language.

Some companies have been allowed to collect more than \$100,000 a year for providing part-time tutoring services to a single student with mild learning challenges, The Times found.

At least 17 companies have employed people with questionable credentials to provide services, often paying them a fraction of the hourly rate that the firms collect from the city. While some companies provide quality services, others rely on programs that quickly churn out graduates with master's degrees, some of whom are as young as 18.

Some companies have been allowed to collect more than \$100,000 a year for providing part-time tutoring services to a single student with mild learning challenges, The Times found.

The article suggests that the city may have

approved an excessive amount of educational support for some children with learning needs. However, the New York Times is not composed of educational experts and is not qualified to evaluate what constitutes "mild learning challenges." As we already pointed out, the professional evaluators at the New York City Department of Education (NYC DOE) are specialists in this field and are capable of determining the appropriate level of support for each individual child. The NYC DOE should be commended for their efforts to meet the needs of every child. Furthermore, while it is theoretically possible for an agency to charge the highest rate of \$200 per session, resulting in an annual total of \$100K, this claim remains unsubstantiated as no specific companies are named in the article.

Regardless, the author's unfounded concerns about potential excessive support should be directed towards the city, not the agencies.

At least 17 companies have employed people with questionable credentials to provide services,

Providers of special education services with

"questionable credentials" would not be approved for payment by the New York City Department of Education (NYC DOE). The DOE maintains a rigorous vetting process for providers, thoroughly reviewing their eligibility status each time they submit an invoice for payment. This process ensures that all teachers providing special education services possess the proper credentials, including a transitional B license and passing state examinations. The NYC DOE's commitment to ensuring that only qualified and properly credentialed individuals provide special education services should be commended.¹⁶²

reality of the situation. The fact that these young teachers, regardless of their age, are able to pass the state exams at such high rates, is a testament to the quality of their training and should be the focus of the story. These young educators demonstrate a level of proficiency and preparedness that sets them apart from others who may struggle to pass the same exams.¹⁶³

...often paying them a fraction of the hourly rate that the firms collect from the city.

This is another of the article's oft-repeated distortions. Companies do not typically pay their employees the full fees they receive. Instead, they use a portion of the fees to cover overhead expenses such as supervision, curriculum development, materials, and other costs associated with running the business. This is a common practice across many industries and is necessary for the sustainability and profitability of the business.

While some companies provide quality services, others rely on programs that quickly churn out graduates with master's degrees, some of whom are as young as 18.

It is worth mentioning that the vast majority of these graduates are not 18 years old and the fact that some are is an outlier. The New York Times mentioning this outlier in their narrative is an attempt to sensationalize the story and does not accurately represent the

¹⁶² see <https://www.highered.nysed.gov/tcert/certificate/special-education-teacher.html> and https://vendor.finance360.org/standalone/setss/UserManual/SETSS_UserManual.pdf.

¹⁶³ For more information, see <https://ny.chalkbeat.org/2021/12/17/22838616/new-york-state-teacher-certification-edtpa-workforce-diversity>

...Elana Sigall...

Ms. Sigall's credibility as a neutral and unbiased source is questionable at best. She is one of the forces behind the production of *My Unorthodox Life*, an anti-Haredi reality TV show, and the upcoming film *An Unorthodox Education*, which also takes a critical stance on the Haredi community. These associations indicate that she may have a particular agenda or bias, which may influence her perspectives and opinions on the matter at hand. Ms. Sigall has been known to actively agitate against Yeshiva institutions, and has provided consulting services and expert testimony for individuals who have disputes with ultra-Orthodox communities. These associations and activities call into question the impartiality of her perspectives and opinions.¹⁶⁴

...visits yeshivas as a consultant

Ms. Sigall's role as a consultant is in opposition to Yeshivas, rather than working in support of them. This detail, which may have been phrased ambiguously in the original text, is crucial in understanding her potential biases and motivations. The failure to clearly convey this information in the original writing raises questions about the level of care and precision exercised by the author, whether through lack of attention or more likely, an intentional effort to obscure the facts.

"There are a lot of kids in the ultra-Orthodox community who have disabilities. The problem is that the community is not serving the students," said **Elana Sigall, a former top city special education official**, who now **visits yeshivas as a consultant**. **"They're accessing tremendous amounts of city resources, but they're not actually providing special education."**

As a top New York City official, Elana Sigall oversaw special education policy for children with disabilities. In many cases in Hasidic and Orthodox communities, she said, **"the providers don't actually have the qualifications to work with those children."**

"They're accessing tremendous amounts of city resources, but they're not actually providing special education."

This statement is not only false but also constitutes a serious and baseless attack against the Hassidic community. Defamation is a serious matter. Not only is it illegal but it also undermines the credibility of the individual or organization that makes it and discredits any arguments they may have. This kind of behavior is unacceptable and has no place in any reputable or credible publication.

"the providers don't actually have the qualifications to work with those children."

Another unfounded and defamatory statement from Ms. Sigall. As previously stated, providers without the necessary qualifications are not approved by DOE and do not receive payment. Such baseless accusations have no place in any credible or reputable publication and must be recognized for what they are: defamatory and unsubstantiated claims.¹⁶⁵

¹⁶⁴ For more information, see, <https://vimeo.com/777326207/7a68a5861c> and <https://www.nydailynews.com/opinion/ny-oped-ultra-orthodox-kids-deserve-better-20210730-snhvfxutyrejldfblz2pu5wg6y-story.html>.

¹⁶⁵ <https://www.highered.nysed.gov/tcert/certificate/special-education-teacher.html> and

One of the firms that opened soon after Mr. de Blasio changed the rules, Yes I Can Services, **founded by a husband and wife who had scant education experience**, now collects tens of millions of dollars a year.

By law, families who want the government to pay a private company to provide services must make their case against the city in a legal proceeding overseen by an impartial hearing officer. But as requests have increased, officials say they have stopped policing them. Families filed nearly 18,000 requests last year — **with more than half coming from neighborhoods with large Hasidic and Orthodox populations — but officials waved through most of them.**

...founded by a husband and wife who had scant education experience

As previously noted, entrepreneurs do not necessarily provide services themselves, similar to how the CEO of CVS is not herself a licensed pharmacist. Conversations with providers as well as DOE representatives have confirmed that Yes I Can runs a high-quality program.

...with more than half coming from neighborhoods with large Hasidic and Orthodox populations

In a repeat of previous inaccuracies, NYT once again hides the fact that 47% of non-public school students in New York City are enrolled in Jewish schools. Given this statistic, it is understandable that roughly half of these requests would come from neighborhoods with significant Jewish populations.¹⁶⁶

... but officials waved through most of them.

The issue of a backlog in complaints related to special education services is a city-wide problem that is unrelated to the Hasidic and Orthodox communities.¹⁶⁷

https://vendor.finance360.org/standalone/setss/UserManual/SETSS_UserManual.pdf.

¹⁶⁶ For more information, see <https://www.p12.nysed.gov/irs/statistics/nonpublic/>.

¹⁶⁷ For more information, see <https://ny.chalkbeat.org/2019/12/5/21121751/1-713-cases-one-hearing-officer-how-nyc-s-special-ed-complaint-system-has-reached-a-breaking-point> and <https://www.nytimes.com/2018/10/05/nyregion/how-special-education-is-failing-tj-and-many-children-like-him.html>.

In all, more than \$350 million a year now goes to private companies that provide services in Hasidic and Orthodox schools, The Times found.

Unlike Orthodox Jews, who are strictly observant but integrate their lives into modern society and provide their children with more secular instruction, Hasidic Jews generally live in insular enclaves and devote themselves to preserving the religious traditions of their ancestors. There are about 200,000 Hasidim in New York State. Special education is supposed to support secular instruction. **But in the Hasidic community, funding has been used to help students with religious studies,** interviews and records show.

After 2014, requests for private school special education poured in from neighborhoods with large populations of Orthodox and Hasidic Jews. **At Tomchei Tmimim of Ocean Parkway in Midwood, one parent said she was told her son must receive services to attend the school.** More than two dozen Hasidic yeshivas have accepted donations from the community's largest special education provider, Yeled v'Yalda Early Childhood Center, whose business relies in part on student referrals from those same schools.

In all, more than \$350 million a year now goes to private companies that provide services in Hasidic and Orthodox schools, The Times found.

It is not currently clear if providing services to Hasidic children is considered a criminal offense. Further investigation by the NYT will likely be required to provide a definitive answer on this matter.

But in the Hasidic community, funding has been used to help students with religious studies,

While the provision of services during religious studies may be a concern, it is also possible for children to receive these services during religious study if they are primarily being services for social, emotional, or behavioral issues. However, The New York Times has not provided information on the sources or records consulted in making the claim that Hasidic

schools are inappropriately providing these services. This lack of transparency makes

it difficult to fully assess the credibility and accuracy of the statement nor to address it fully.¹⁶⁸

At Tomchei Tmimim of Ocean Parkway in Midwood, one parent said she was told her son must receive services to attend the school.

Correct. It is a fundamental responsibility of any school to ensure that it is able to meet the educational needs of the students it enrolls. Failing to do so would be a serious breach of that responsibility. The provision of special education services is an essential aspect of meeting the needs of all students. A school that enrolls a child without being able to provide the necessary services to meet that child's needs would be acting irresponsibly. It is the duty of schools to guarantee that children receive the appropriate resources and support they require to thrive and reach their full potential.

¹⁶⁸ See <https://infohub.nyced.org/in-our-schools/programs/race-and-equity/social-emotional-learning>

More than two dozen Hasidic yeshivas have accepted donations from the community's largest special education provider, Yeled v'Yalda Early Childhood Center, whose business relies in part on student referrals from those same schools.

Non-profit organizations are permitted to make donations to other non-profit organizations that align with their mission. The article implies a kickback scheme, but it does not present any evidence to support this suggestion. It seems that the Grey Lady needs to be reminded that it is important to present a complete and accurate picture of the facts and to avoid making unfounded accusations.¹⁶⁹

¹⁶⁹ For more information, see <https://www.irs.gov/pub/irs-pdf/p5557.pdf>.

The flood of requests for services has strained the city schools budget and helped delay the delivery of aid to children with disabilities, including to Hasidic and Orthodox families. Parents have reported **facing a dizzying process and monthslong waits.**

“Cases involving nonpublic schools have ballooned so wildly that they have engulfed and hobbled the entire system,” said John Farago, a longtime hearing officer who has overseen thousands of requests. “It’s affected the access to justice of all, **and swamped the cases of children who attend public schools.”**

Hasidic and Orthodox parents are far from alone in aggressively seeking special education for their children, and providers across the city have been accused of misusing government money. **But families in those communities file far more requests than other families in New York, and hearing officers say the companies that provide services in yeshivas stand out for the rates they charge and the amount of money they receive.**

“Cases involving nonpublic schools have ballooned so wildly that they have engulfed and hobbled the entire system,”

This is a city issue. Parents are commended for acting in their children’s best interests and requesting services.¹⁷⁰

and swamped the cases of children who attend public schools.”

This is a matter of significant concern for all but the fault does not lie at the foot of

Hassidic Jews. As previously noted, when the needs of a child are not being met within the public-school system, the city is responsible for covering the cost of tuition for private school special education. However, obtaining approval from the city can be a challenging and time-consuming process. Parents are often required to retain a lawyer, secure expert witnesses, and provide testimony to demonstrate that the government has failed to provide a Free Appropriate Public Education (FAPE) to their child. This is the issue that Mayor de Blasio’s proposed changes aimed to address, and it is this complexity that is currently overwhelming the system. Despite the city’s awareness that their district school placements may not be appropriate, cases are still being sent for hearings.¹⁷¹

But families in those communities file far more requests than other families in New York, and hearing officers say the companies that provide services in yeshivas stand out for the rates they charge and the amount of money they receive.

Note that this claim is not supported by credible sources or evidence. As we have previously shown, the statistics perfectly line up and make sense, contrary to what the article is trying to paint.

Are we providing proof to deny the allegations like Krasne submitted?

¹⁷⁰ For more information, see <https://ny.chalkbeat.org/2019/12/5/21121751/1-713-cases-one-hearing-officer-how-nyc-s-special-ed-complaint-system-has-reached-a-breaking-point> and <https://www.nytimes.com/2018/10/05/nyregion/how-special-education-is-failing-tj-and-many-children-like-him.html>

¹⁷¹ For more information, see <https://www.thecity.nyc/2021/11/15/22784340/nyc-special-education-complaint-backlog-grows>.

The article continues:

In statements, representatives of the schools and the companies denied any wrongdoing and said the government oversees the special education process, ensuring that children do not receive services unless an unbiased evaluator determines they are needed.

School officials said they never pressure any parent to get a child diagnosed with a condition and that they do not benefit financially when providers work with their students.

Representatives of Yeshiva Beth Hillel of Krasna in Borough Park and other schools said they never seek to have children diagnosed to receive services they do not need.

Company representatives said that all their employees have the appropriate qualifications and that most parents are happy with the work they do. They defended how much they charge, noting that the government's standard rate had not increased in more than 20 years and that all rates must be approved by a hearing officer.

They said that it was common practice across the industry not to pay employees the full amount billed per hour, and that the firms used the difference to cover the overhead costs of providing "a wide range of highly qualified services," said J. Erik Connolly, a Chicago lawyer who represents some schools and companies.

"Implying that the portion not paid to the providers is used only to fatten pocketbooks is unfair, misleading and defamatory," Mr. Connolly said. "These rates are offered to and utilized by students of all nationalities, religious affiliations and ethnic backgrounds."

Nathaniel Styer, a spokesman for the city Education Department, declined to answer specific questions and issued only a short statement noting that the city was legally required to fund special education for private school students.

"The dramatic increase in case filings over the last several years has put a strain on the due process system," he said, adding that the Education Department "is working on a multipronged strategy to ensure all children receive what they are entitled to under law."

In an interview, Mr. de Blasio said he stood by the 2014 changes, but he acknowledged that they might have led to unforeseen consequences.

"It had to be reformed," he said. "If any of those reforms have opened the door for some individuals to take advantage of the system, that's unfortunate, and we have to tighten up the rules."

‘We got everything we wanted’

In an interview, former Mayor Bill de Blasio stood by the changes he made to the city’s special education system in 2014 but added: “If any of those reforms have opened the door for some individuals to take advantage of the system, that’s unfortunate, and we have to tighten up the rules.” In New York, thanks to an unusually generous state law, private school students in need of special education can receive services at a public school or from a government contractor. But if a parent of a child in any school — public or private — is not satisfied, they can find their own provider and go through a hearing process to ask the government to foot the bill.

Some parents request money for tuition to send their children to specialized private schools. Others ask officials for funding for services such as occupational, physical or speech therapy or counseling. To receive funding, families must convince the hearing officer that the government has failed to provide adequate services and that they have found an outside provider who can.

In his 2014 changes, Mr. de Blasio ordered officials to stop fighting most requests and try to settle cases within 15 days.

In his 2014 changes, Mr. de Blasio ordered officials to stop fighting most requests and try to settle cases within 15 days.

Despite the NYT repeatedly suggesting otherwise, Mr. de Blasio’s changes were NOT relevant to yeshiva students requesting additional services. Parenthetically, de Blasio’s orders were initially hailed as a positive change. Parents raising children with disabilities would no longer be forced to endure aggressive hearings year after year. Unfortunately, many of these changes were never actually implemented and settlements were neither expedited nor fast tracked.¹⁷²

¹⁷² For more information, see <https://www.nyc.gov/office-of-the-mayor/news/306-14/mayor-de-blasio-speaker-silver-new-steps-help-families-students-disabilities#/o>

Agudath Israel of America, a large Orthodox advocacy group that had complained for years that the process was too cumbersome and pushed for the changes, claimed credit. [YP54] “We got everything we wanted and more,” a leader said at the time.

Requests soared to about 17,900 annually last year, from about 4,700 in 2014.

The city does not regularly examine who files requests, what services they seek or how much each request costs. The Times pieced together that information by analyzing state data, scrutinizing thousands of records from hearings and interviewing 11 hearing officers, as well as dozens of parents, teachers and regulators.

The review found that more than half of requests last year came from districts that include the Brooklyn neighborhoods of Williamsburg, Borough Park and Crown Heights — all heavily populated by Hasidic Jews — and Flatbush and Midwood, which are home to many Orthodox Jews.

Requests soared to about 17,900 annually last year, from about 4,700 in 2014.

The statistic provided disproves the allegations made in the article. Earlier, the NYT claimed that “More than half of legal requests for aid last school year (as of March 14) came from areas with large Hasidic and Orthodox populations.” More than half of 17,900 is about 9000. There are approximately 113,590 Jewish children enrolled in NYC non-public schools. 9000 requests put the Jewish rate for requests at 8%. This is significantly lower than the overall rate of special education classification in the city, which stands at 18%¹⁷³

The review found that more than half of requests last year came from districts that include the Brooklyn neighborhoods of Williamsburg, Borough Park and Crown Heights — all heavily populated by Hasidic Jews — and Flatbush and

Midwood, which are home to many Orthodox Jews.

As noted earlier, according to government data, there were 241,558 students enrolled in NYC non-public schools for the ‘21-’22 school year. 113,590, or 47%, were enrolled in Jewish schools. Therefore, it makes perfect sense that approximately half of the requests came from areas with large Jewish populations.¹⁷⁴

¹⁷³ <https://www.specialedlegalinfo.com/a-profile-of-special-education-in-new-york-by-the-numbers/#:~:text=New%20York%20Numbers,New%20York%20City%20it's%2018%25>.

¹⁷⁴ For more information, see <https://www.p12.nysed.gov/irs/statistics/nonpublic/>.

Requests for special education services shift to Brooklyn

In the 2014-15 school year, Community School District 2 in Manhattan had more requests for privately provided special education than any other district. But by 2021-22, requests had soared in five districts in Brooklyn with large Orthodox populations, with the most coming from District 20.

More than half of all requests came from these five community school districts with heavily Orthodox neighborhoods.

Notes: Community school districts with heavily Orthodox neighborhoods are those where over 80 percent of private school students are attending yeshivas. Data for the 2021-22 school year, only available through March 14, is incomplete.

While Mr. de Blasio's policy changes were initially intended to ease the path of parents seeking tuition funding, **The Times found that the most common request now by far is for an ill-defined assistance that is offered only in New York City: "special education teacher support services," which providers liken to tutoring.**

In the past, the city would pay for only an hour a day of that service, in part because of concerns that some providers might use it to overbill the system. But in 2014, the city raised the limit to three hours.

About 80 percent of requests for special education teacher support services last year came from the predominantly Hasidic and Orthodox districts, records show. While the city's standard rate for that type of service is \$42 an hour, many requests sought a so-called enhanced rate because they said they needed a Yiddish-speaking provider.

The Times found that the most common request now by far is for an ill-defined assistance that is offered only in New York City: "special education teacher support services," which providers liken to tutoring.

In the past, the city would pay for only an hour a day of that service, in part because of concerns that some providers might use it to overbill the system. But in 2014, the city raised the limit to three hours.

While the article may express concerns about the appropriateness or level of SETTS services,

parents are not at fault for requesting them for their children. Any issues or criticisms related to the funding of this service should be directed to the appropriate authorities, such as the New York City Department of Education.

What we consider before using anonymous sources. Do the sources know the information? What's their motivation for telling us? Have they proved reliable in the past? Can we corroborate the information? Even with these questions satisfied, The Times uses anonymous sources as a last resort. The reporter and at least one editor know the identity of the source.

Learn more about our process.

The requests for services are supposed to come directly from families. But in Hasidic areas, more than a dozen parents told The Times that religious schools were driving the surge, **including by paying for the lawyers who represent parents at hearings.** Some yeshivas have filed requests in parents' names without their knowledge. Most parents spoke on condition of anonymity because openly criticizing Hasidic leaders can lead to being shunned by family and friends.

What we consider before using anonymous sources. Do the sources know the information? What's their motivation for telling us? Have they proved reliable in the past? Can we corroborate the information? Even with these questions satisfied, The Times uses anonymous sources as a last resort. The reporter and at least one editor know the identity of the source.

How have they proven reliable? Which past articles were they part of? And why was the NYT forced to use this "last resort" so many times in this article? Of their many claims, more than two thirds are unsourced. There's no credibility to hiding behind anonymity or

vague references to "records show."

...including by paying for the lawyers who represent parents at hearings

Legal fees can quickly become a significant financial burden for families of children with special needs, as they often have to fight to ensure their child receives the services they are entitled to under the law. While the Department of Education (DOE) typically reimburses families for these expenses, the reality is that many parents simply cannot afford to pay the costs upfront. This can create a Catch-22 situation, in which they are unable to access the resources they need to advocate for their child's education. If the anonymous claim that some schools are covering the costs of legal fees for families is true, it would be a remarkable act of generosity and a testament to the dedication of these educators to the well-being of their students.¹⁷⁵services-in-nyc-are-ineffective-for-parents

Some yeshivas have filed requests in parents' names without their knowledge.

The theme of schools arranging services without parental knowledge is a recurring one in this article. However, those familiar with the system would recognize the logistical impossibility of this occurring. The process of obtaining services for a child with special needs is a long and complex one, and at multiple steps, parental consent and sometimes presence is required. This includes the initial request for services, evaluations, and Individualized Education Program (IEP) meetings, among other things. The involvement of parents is an integral part of the process, and it is unlikely that services could be arranged without their knowledge and participation.,¹⁷⁶

¹⁷⁵ For more information, see <https://www.nymetroparents.com/article/impartial-hearings-for-special-education->

¹⁷⁶ see <https://www.schools.nyc.gov/docs/default-source/default-document-library/family->

Five hearing officers told The Times that in proceedings involving Hasidic children, some parents have not seemed to know what they were requesting, or why. **In one case, a mother could not explain her son's disability, records show.**

The Chabad Girls Academy, a Hasidic yeshiva in Crown Heights, sent an email to one mother in 2020 that said her daughter would qualify for autism treatment and provided her with a sample prescription for the child's doctor, according to a copy of the message obtained by The Times. "Please can you have her medical doctor write a prescription stating diagnosis of F84.0," the email said. "This is what we need."

The mother told The Times her child does not have autism.

Chabad Girls Academy, a Hasidic school in Crown Heights, Brooklyn, encouraged one parent to have a doctor diagnose her child with autistic disorder so she could receive services, an email shows.

A lawyer for the school, Jules Halpern, said the school never pressed to get any child diagnosed with autistic disorders. "Email exchanges with this parent or any other would clearly demonstrate a dedicated educator working diligently and completely in the interest of the student," he said.

In one case, a mother could not explain her son's disability, records show.

Among thousands of cases, only one mother was unable to explain her son's disability to the hearing officer. This is an impressive record, particularly considering the possible language barriers that may exist within the Yiddish-speaking community. It is important to note that parents are not expected to have a deep understanding of their child's disability at the

time of the hearing. The purpose of evaluations and hearings is to determine the specific needs of the child and the services that should be provided, which can sometimes be complex medical or educational issues. Therefore, it is not surprising that parents may not have all the answers, but the process is in place to ensure that the appropriate services are provided to the child.

[guide-to-special-education-school-age-services-english.](#)

Tomchei Tmimim of Ocean Parkway, a Hasidic yeshiva, told a woman that her son could not attend unless she persuaded the city to pay for an aide to watch him at all times. The mother told The Times she did not believe her son needed intense supervision. **In a statement, a school spokesman said all determinations about children's needs are made by independent professionals and approved by government officials.**

Luria Academy, which serves some Orthodox Jews, emailed parents of students with disabilities this year saying its special education division had a budget gap. The school said it wanted the parents to hire the school's own staff members as private providers and ask the city to pay them enhanced rates. It would pay to help arrange the requests. "The cost is a small percentage of the total income expected," it said in the email.

The school's leader, Amanda Pogany, said Luria ultimately did not go through with the plan. "There are lots of schools who do this, who sue, so we were exploring that as an option, and then we decided that was not what we were going to do," Ms. Pogany said. "It didn't feel 100 percent like the right thing to do."

Etty Singer, who helped lead a Hasidic preschool program for nine years and worked closely with 10 schools, said she saw many of them aggressively refer children to be evaluated for special education.

"They just wrote down, 'needs services,' 'needs services,' 'needs services,'" she said. "They said that everybody needed services."

Tomchei Tmimim of Ocean Parkway, a Hasidic yeshiva, told a woman that her son could not attend unless she persuaded the city to pay for an aide to watch him at all times.

It is important to note that schools have a legal and ethical responsibility to ensure that they can meet the educational needs of all students they enroll. It would be irresponsible for a school to admit a student without first ensuring that appropriate services are in place to support them. Failing to do so would not only be a violation of the student's rights, but also a breach of the school's duty to provide a free and appropriate education to all students.

In a statement, a school spokesman said all determinations about children's needs are made by independent professionals and approved by government officials.

The "independent professionals" are approved by and work for the DOE.¹⁷⁷

Luria Academy...

Luria Academy is NOT a Hasidic yeshiva.¹⁷⁸

Etty Singer...

Etty Singer, formerly Etty Ausch, has been identified as a source with heavy biases. She has publicly spoken out against the Hasidic community, specifically after leaving it, which raises questions about the objectivity of her statements. It is important to consider this context when evaluating her perspective and claims.¹⁷⁹

¹⁷⁷ For more information, see <https://nyccharterschools.org/wp-content/uploads/2020/10/03062009SOPM.pdf>.

¹⁷⁸ For more information, see <https://luria-academy.org/ABOUT#guidingprinciples>.

¹⁷⁹ See [https://en.wikipedia.org/wiki/One_of_Us_\(2017_film\)](https://en.wikipedia.org/wiki/One_of_Us_(2017_film)).

Ms. Singer said when her own son attended a Hasidic school in Borough Park, Yeshiva Beth Hillel of Krasna, it arranged for services without telling her. “We found out after,” she said. Ms. Singer said her son did have a minor disability, but the school’s services did not meet his needs. She has since left the community and lost custody of her son.

When Mr. de Blasio made his policy changes, about 12 percent of students at Yeshiva Beth Hillel of Krasna were classified as needing special education. **Since then, city records show, the rate has climbed to 59 percent.** Both a spokesman and Mr. Connolly, the lawyer, who also represents the school, disputed that figure. Mr. Connolly also said no student at the school was classified as having a disability without a parent’s knowledge.

Ms. Singer said when her own son attended a Hasidic school in Borough Park, Yeshiva Beth Hillel of Krasna, it arranged for services without telling her.

As previously stated, it is logistically impossible for a school to arrange services for a child without the consent of the child’s parent or legal guardian. If the claim that such actions have taken place is accurate, it is possible that the child’s father, Ms. Singer’s estranged and later ex-husband, may have given consent without her knowledge. However, it is important to note that this is speculative and further investigation is needed to determine the veracity of the claim.¹⁸⁰

Since then, city records show, the rate has climbed to 59 percent.

This claim is categorically false. The classification rate of special education students at Yeshiva Beth Hillel of Krasna is 18.69%, which is in line with the city average. The yeshiva provided documentation of this classification rate to the author prior to the publication of the

article, yet the false accusation was included in the piece nonetheless. This is a clear example of the author knowingly publishing inaccurate information despite having been provided with the facts. See Appendix A for Yeshiva Beth Hillel’s data.

¹⁸⁰ See <https://www.p12.nysed.gov/specialed/publications/policy/parentguide.htm#SEPr>.

\$200 an hour

More than two dozen new companies have opened to provide special education services for private schools. Most operate out of homes, with some posting makeshift signs outside.

Before Mr. de Blasio announced his changes, about a dozen organizations provided special education in yeshivas. Since then, at least 25 new companies have opened.

Some founders, like Simcha Feller, had no formal credentials in special education. Mr. Feller was 21 when he opened Yes I Can Services from his Brooklyn home in 2014, **two months after the mayor's announcement.** Run by Mr. Feller and his wife, Ita Feller, who was 19 and had a **provisional special education license**, the company asked only for enhanced rates, hearing records show.

The start-up collected about \$22,000 in its first year, city records show. But by 2019, it was making \$10 million a year. It has received more than \$38 million so far this year.

The Fellers appear to have prospered. Since 2021, records show, the couple and companies linked to them have spent more than \$15 million to buy 13 properties, including several for-profit respite homes for families in Arizona.

Some founders, like Simcha Feller, had no formal credentials in special education

As mentioned above, Simcha and Ruchi Feller, founders of Yes I Can, were young entrepreneurs with combined leadership and educational experience in the fields of education and special education when they opened their company.¹⁸¹

...two months after the mayor's announcement.

Once again, it is important to note that a correlation between two factors does not necessarily indicate that one caused the other. Unsurprisingly, the author did not include this important caveat in their analysis

...a provisional special education license

This article contains yet another inconsistency, with regard to the issue of provisional licenses.

The piece asserts that having a provisional license is a problem, however, it has also been previously stated that, "In New York, providers of most types of special education must be certified, or hold a provisional license." This highlights a lack of consistency and clarity within the article, and it is important to note that having a provisional license is not necessarily indicative of any shortcomings or issues with the provider.¹⁸²

The start-up collected about \$22,000 in its first year, city records show. But by 2019, it was making \$10 million a year. It has received more than \$38 million so far

¹⁸¹ For more information, see <https://yesicanservices.com/>.

¹⁸² See the section titled "Smoke and Mirrors."

this year.

The Fellers appear to have prospered. Since 2021, records show, the couple and companies linked to them have spent more than \$15 million to buy 13 properties, including several for-profit respite homes for families in Arizona.

The question of whether it is a crime to be successful is a provocative one. In the case of Yes I Can, the company's success is rooted in its ability to provide high-quality services and its genuine commitment to the well-being of

children with complex needs. The company has established a reputation for reliability, kindness, and honesty. It is notable that if the founders, Simcha and Ruchi Feller, were not Jewish, or belonged to any other minority group, their success would likely be celebrated by this publication as "30 under 30." It is important to examine whether prejudice or bias may be influencing the portrayal of the company in this article.

The article continues:

Mr. Connolly, the lawyer, who represents Yes I Can, said that the firm's opening had nothing to do with Mr. de Blasio's announcement, and that, from the beginning, the company has served schools other than yeshivas. He noted that Ms. Feller now has a full teaching certificate.

Virtually all the new companies, including Yes I Can, bill the city at extraordinarily high rates but pay the employees who provide the services much less, according to interviews and records from hundreds of hearings over the past four years. Firms regularly charge at least \$200 an hour for teacher support services but pay their employees between \$75 and \$100 an hour, the records show.

Mr. Connolly said Yes I Can "is an award-winning special educational agency that provides services to thousands of children in the tristate area and beyond," adding that it "disputes that it has engaged in any improper, fraudulent or illegal conduct whatsoever."

Yes I Can Services, opened by a husband-and-wife team in Brooklyn in 2014, was earning \$10 million a year providing special education services five years later. This year it has collected more than \$38 million.

Outside the Orthodox community, providers typically charge less and pay employees a greater share of the earnings, hearing officers said.

When asked in hearings to justify their rates, executives have said they have to pay interest on loans they take out because of delays in getting payments, a common problem citywide. One said his firm had borrowed from one of its own board members, which the hearing officer deemed a potential conflict of interest.

At least six companies have attempted to charge the city for services they never provided, interviews and records show. In one instance, a firm called AIM Education Support tried to collect \$185 an hour for tutoring at a yeshiva, including on Friday afternoons, but the hearing officer found the school was not open at that time. In another case, a company called Special Edge was seeking \$150 an hour for tutoring it said it had provided. **But under questioning, a company leader could not say when specifically it had provided the services, prompting a hearing officer to conclude there was “no evidence at all that the student received what the agency was seeking payment for.”**

Representatives for both companies disputed the hearing officers’ findings and added that they use flexible scheduling and bill only for services provided.

Outside the Orthodox community, providers typically charge less and pay employees a greater share of the earnings, hearing officers said.

It is worth questioning the sudden expertise of hearing officers in the pay rates of special education employees. It is important to note that the role of hearing officers is limited to ordering education services or placement at a private school, not approving providers or approving invoices. The data provided by Catapult and Knowledge Road, both special education providers outside of the Jewish community, contradicts the claims made in the article.

When asked in hearings to justify their rates, executives have said they have

to pay interest on loans they take out because of delays in getting payments, a common problem citywide.

It is accurate to say that this is a significant issue for special education providers. The Department of Education is aware of this problem and Agudat Israel of America is actively working to address it. This is an important topic that deserves attention and efforts to find a solution.¹⁸³

At least six companies ...

This figure represents a small fraction of the total number of cases, specifically, six out of hundreds. Furthermore, it should be noted that these cases were not exclusively associated with Jewish agencies. Such a small percentage and lack of specificity in the data raises questions about the validity of the claims.

But under questioning, a company leader could not say when specifically it had provided the services, prompting a hearing officer to conclude there was “no evidence at all that the student received what the agency was seeking payment for.”

This story highlights the effectiveness of the system in place and contradicts the assertion of widespread abuse. The fact that only a small number of cases were identified and dealt with appropriately demonstrates that the system is functioning as intended, and that there is no evidence to support claims of systemic abuse.

¹⁸³ For more information, see <https://www.ny1.com/nyc/all-boroughs/news/2019/01/24/nyc-payments-to-special-education-providers-are-delayed-again>.

Over the past decade, state auditors have discovered misallocation of funds by scores of New York preschool special education providers, including seven companies that serve yeshivas.

The number of companies identified as misusing funds is a small fraction of the total number of companies, specifically, seven out of scores over the course of an entire decade. While any misallocation of funds is unacceptable, it is clear that this is not a problem that is specific or even primarily associated with the Hasidic community. The limited scope of this issue calls into question the assertion that it is a widespread or specific problem within this particular community.

Among them was Yeled v'Yalda, which was told to repay \$2.9 million after being accused of misallocation in 2015. Some funding was used to run a community gym, the auditors found.

The article's assertion of fraud is further called into question by the fact that the auditing process has effectively identified and dealt with a limited number of instances of misallocation of funds. Additionally, it is important to note that a significant portion of the repayment requested was not for services that were not provided, but rather for technicalities such as disagreements over depreciation schedules or mortgage interest. A significant portion of the repayment was for legitimate services that were provided at unapproved sites.¹⁸⁴

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A decades-old nonprofit, Yeled v'Yalda has donated more than \$2.5 million to 27 yeshivas since 2014, tax filings show. At least some of those schools have pressured families to request services from the firm, parents and teachers told The Times.

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Non-profit organizations are permitted to make donations to other non-profit organizations that align with their mission. The NYT unjustly accuses Yeled v'Yalda of a kickback scheme based solely on anonymous, uncorroborated sources.¹⁸⁵

¹⁸⁴ For more information, see <https://www.osc.state.ny.us/files/audits/2018-01/sga-2015-15s19.pdf>

¹⁸⁵ For more information, see <https://www.irs.gov/pub/irs-pdf/p557.pdf>.

The article continues:

Mr. Connolly, who also represents Yeled v'Yalda, said the organization “has served thousands of disabled students and their families for over 40 years with great success.”

He disputed parts of the 2015 audit and added that the company charges the standard government rate for the vast majority of services. He said any school referring students to Yeled v'Yalda did so because of its reputation, not the money it donated. The organization, he said, “does not engage in disreputable or quid pro quo donations.”

It was not clear whether other companies have donated to yeshivas — most of the firms are for-profits whose tax filings are not publicly available.

Although it is not unusual for private schools in New York to refer families to just one or two providers, a dozen people who worked for special education companies said Hasidic yeshivas regularly cut deals with firms. In return for referrals, some companies station employees at the schools with orders to help out when asked, including with religious instruction.

At Oholei Torah, which is among the schools that has accepted donations from Yeled v'Yalda, nearly half the about 1,500 enrolled students are classified as children with disabilities, records show. But the yeshiva does not teach any secular subjects; parents and a former aide at the school said it sends special education providers to participate in religious instruction.

Mr. Connolly, who also represents Oholei Torah, said the school works diligently to accommodate students with special needs. “These accommodations are actually a cost center — not benefit,” he said.

Michael Fox, a child psychologist, said he has seen Hasidic schools use special education providers to support religious instruction.

Michael Fox, a child psychologist with 50 years of experience, works with yeshivas to evaluate whether students qualify for services. He said he strongly supports the Hasidic community. But, like several other people, he said he has seen its schools using special education providers for religious instruction.

“It’s getting difficult for me to write down that a child needs services, because what happens next?” he said. “I don’t know.”

Many special education companies hire graduates of Daemen University, which operates a special education master's degree program for Orthodox women.

Many parents who believed their children needed extra help praised the services provided in Hasidic yeshivas. But others described encountering underqualified instructors and inadequate services.

In New York, providers of most types of special education must be certified, or hold a provisional license. In the Orthodox community, though, certification programs can make those credentials easy to obtain.

Although a 20-year-old tutor said in a 2019 hearing she had a master's degree in special education, the officer determined she did not understand the meaning of the term "bachelor's degree," records show. The tutor also said she earned \$21 an hour while her firm wanted \$150 an hour. In a separate hearing, another tutor said she could not remember where she got her bachelor's degree.

Records show those tutors both became certified through Testing and Training International, an online firm created to help Orthodox Jews who find it difficult to attend secular colleges because of language barriers or religious customs.

By transferring credits from yeshivas and administering tests in religious subjects, the program helps students obtain bachelor's degrees in as little as three months according to a handbook. Some master's programs do not recognize the degrees conferred through Testing and Training International. But since 2003, it has worked with Daemen University, an upstate college, to provide special education certifications. Students take weekly online classes and can obtain a provisional license in a few months, records show. **At other schools, students must attend several classes a week to earn a license in that amount of time.**

Many parents who believed their children needed extra help praised the services provided in Hasidic yeshivas. But others described encountering underqualified instructors and inadequate services.

How many parents are satisfied? How many are not? There are always those that will complain, and the NYT does not provide any hard data.

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The link references religious issues, not language barriers.

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False. TTI's website explicitly states that its bachelor's programs take 8-10 months, minimum. And that is only after at least a year

of post-high school yeshiva or seminary credits, plus APs, dual enrollment credits, and CLEPs¹⁸⁶.

Some master's programs do not recognize the degrees conferred through Testing and Training International.

TTI graduates go on to many well-known master's programs, such as Loyola, NYU, Rutgers, and Columbia.¹⁸⁷

At other schools, students must attend several classes a week to earn a license in that amount of time.

Daemen's accelerated program is supported and encouraged by NY's Board of Education. In 2000, the State Board of Regents established alternative teacher preparation programs ("ATP"s) to prepare teachers more quickly than in traditional programs. The programs feature accelerated introductory courses, followed by paid employment, with extensive mentoring, coursework, and other support. Since 2003, Daemen has partnered with TTI to offer an ATP based out of Brooklyn, NY.¹⁸⁸

¹⁸⁶ For more information, see <https://testingandtraining.com/programs/bachelor-of-arts/> and <https://testingandtraining.com/programs/bsl/>

¹⁸⁷ For a complete list, see Appendix B

¹⁸⁸ For more information, see <http://www.nysed.gov/college-university-evaluation/alternative->

Elizabeth Heilman, who was chairwoman of the education department at Daemen in 2019, said she discovered the program awarded master's degrees to students who were not qualified to be special education teachers.

"There is a school. There are assignments. But I would say it's similar to an 18-year-old becoming a teacher's aide," said Ms. Heilman, who resigned as chairwoman after four months and was fired from Daemen in what she described as retaliation for raising concerns. **She filed a whistle-blower case but abandoned it after the federal government declined to join.**

"The program is smoke and mirrors," she said.

A lawyer for Testing and Training International, Jacob Laufer, said Ms. Heilman's claims were "factually incorrect and misleading," and said the program "offers a broad spectrum of support services to students within their community."

A Daemen University spokesman said in a statement that students who took exams scored as well or better than the state average. "The implication that Daemen does not produce qualified students as special education providers is patently and provably false," he said.

Recently, records and interviews show, at least 17 special education companies have turned to Testing and Training International and another accelerated certification program, the Sara Schenirer Institute.

Mr. Connolly, who represents Sara Schenirer, said it does not cut corners in special education certification and has no relationship to Testing and Training International or Daemen.

The Times reviewed online résumés posted by more than 100 people who have worked at special education companies in the Orthodox community and found that two-thirds of them had obtained a degree through Daemen or Sara Schenirer.

She filed a whistle-blower case but abandoned it after the federal government declined to join.

A disgruntled employee whose case was rejected by the federal government? How does the NYT consider her a credible source?

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Students in the Brooklyn ATP regularly score above average on the edTCPA, the (until recently) required New York State teacher certification assessment. In 2020-21, Brooklyn ATP students scored an average of 98.48% on the Childhood Special Education Programs test and

100%

on the Early Childhood Special Education Program test. The NYS average was 87%.

The Times reviewed online résumés posted by more than 100 people who have worked at special education companies in the Orthodox community and found that two-thirds of them had obtained a degree through Daemen or Sara Schenirer.

This makes sense, given the religious considerations mentioned earlier in the article.

teacher-preparation-programs.

After Mr. de Blasio's announcement, workers said they thought they could continue to scrutinize requests for services, especially ones that they thought were abuses of the system. But City Hall declined to provide the necessary resources, they said.

This may or may not be true, but it has nothing to do with yeshiva students requesting additional services. As noted above, Mr. de Blasio's changes were only relevant to public school students requesting private school placement.

Today, the city rarely succeeds in blocking a request for special education in private schools, records show.

True, but this is a city problem that has nothing to do with yeshiva students getting services. NY is paying hundreds of millions in private school tuitions since its public schools can't provide

Overwhelmed

The surge in requests for special education services in private schools has overwhelmed the city's system. It has delayed services for parents across the city, including in Hasidic and Orthodox neighborhoods like Crown Heights, where a group of rabbis gathered in November.

The city is supposed to monitor special education funding to ensure it is helping children. But amid the onslaught of requests, more than a dozen current and former city workers said, officials have abandoned oversight.

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When the city did fight requests, it routinely sent school psychologists to argue at hearings, instead of the lawyers used by Mr. de Blasio's predecessor, Michael R. Bloomberg. The psychologists sometimes raced between 25 hearings a day, some employees said. Then officials turned to contractors based in other states to appear at hearings by video conference, staffing records show. They faced lawyers who charged thousands of dollars per case, fees the city had to pay when it lost, as often occurred.

Today, the city rarely succeeds in blocking a request for special education in private schools, records show.

appropriate options to their students with disabilities. This is why Schools Chancellor David Banks wants to redirect that money to improve public schools.¹⁸⁹

¹⁸⁹ For more information, see <https://ny.chalkbeat.org/2022/8/11/23302326/david-banks-special-education-private-school-tuition-nyc>.

Officials also have increasingly failed to oversee the services being provided. **Now, once a request is approved, companies can continue charging for services for years without the annual reviews that families had long complained were onerous but are required by law.**

“We kind of just trust them,” said Nick Chavarria, who worked for the city Education Department from 2007 to 2018.

The Independent Budget Office, a nonpartisan agency that monitors city spending, has issued repeated warnings about the growth in spending on private special education, which has neared \$1 billion annually, counting payments for tuition at specialized schools. The reports have not singled out yeshivas.

The New York City schools chancellor, David C. Banks, said over the summer that he thought people were gaming the special education system.

The state comptroller, Thomas DiNapoli, has also pointed out gaps in oversight of overall funding for special education.

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If the reports have not singled out the yeshivas, why does the NYT feel justified in doing so? We discussed this matter with Chancellor Banks, who confirmed that the spending increase was not due to the Orthodox community.

Now, once a request is approved, companies can continue charging for services for years without the annual reviews that families had long complained were onerous but are required by law.

False, yet again. Annual reviews are still happening, as any parent with a special needs child knows all too well.

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Over the summer, the New York City schools chancellor, David C. Banks, acknowledged problems in special education funding. "Folks have figured out how to game this system," he said. But after criticism, he walked back those comments.

Mayor Eric Adams, who has the power to rein in spending, has taken no action.

As officials have stood by, requests have kept coming.

At a training for hearing officers in October, state officials displayed charts showing a spike in special education requests in New York City in recent years, dwelling for a moment on the fact that they had climbed last year to nearly 18,000.

Then they shared a startling piece of information: Based on data for the beginning of this academic year, they were projecting the rates would rise again.

This school year, they said, they are expecting 28,000 cases.

Reporting was contributed by Alex Lemonides, Marcela Rodrigues, Eliza Shapiro and Jay Root. Susan C. Beachy and Julie Tate contributed research.

This school year, they said, they are expecting 28,000 cases.

Why are they expecting more cases? General increase of kids? I couldn't find information to prove or disprove this.

Even the pictures in this article are misleading. The implication is that businesses run out of a private home are inherently backward and unprofessional. Besides the fact that out of the ten images featured in this piece, only one is identifiable as a special education agency, due to the costs and scarcity of real estate in New York City, many businesses are located in residences. Note these pictures of Yes I Can's and Yeled v'Yalda's offices.



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